Thereupon, at 1 o'clock p. m., the Senate, under the unanimous-consent order previously entered, took a recess until tomorrow, Thursday, July 8, 1937, at 12 o'clock meridian.

SENATE

THURSDAY, JULY 8, 1937

(Legislative day of Tuesday, July 6, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, July 7, 1937, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. I note the absence of a quorum, and ask for a roll call in order to secure one.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Johnson, Colo.	Pittman
Andrews	Connally	King	Pope
Ashurst	Copeland	La Follette	Reynolds
Austin	Davis	Lee	Robinson
Bailey	Dieterich	Lewis	Schwartz
Bankhead	Duffy	Lodge	Schwellenbach
Barkley	Ellender	Logan	Sheppard
Berry	Frazier	Lonergan	Shipstead
Bilbo	George	Lundeen	Smathers
Black	Gerry	McAdoo	Steiwer
Bone	Gibson	McCarran	Thomas, Okla.
Borah	Gillette	McGill	Thomas, Utah
Bridges	Green	McKellar	Townsend
Brown, Mich.	Guffey	McNary	Truman
Brown, N. H.	Hale	Maloney	Tydings
Bulkley	Harrison	Minton	Vandenberg
Bulow	Hatch	Moore	Van Nuys
Burke	Hayden	Murray	Wagner
Byrd	Herring	Neely	Walsh
Byrnes	Hitchcock	Nye	Wheeler
Capper	Holt	O'Mahoney	White
Caraway	Hughes	Overton	
Chavez	Johnson, Calif.	Pepper	

Mr. LEWIS. Let me announce for the RECORD that the Senator from Ohio [Mr. DONAHEY], the Senator from Virginia [Mr. GLASS], and the Senator from South Carolina [Mr. SMITH] are necessarily detained from the Senate.

The Senator from Maryland [Mr. RADCLIFFE] and the Senator from Georgia [Mr. RUSSELL] are absent on important public business.

Mr. SCHWELLENBACH. I announce that the Senator from Nebraska [Mr. NORRIS] is detained from the Senate because of illness.

The PRESIDENT pro tempore. Ninety Senators having answered to their names, a quorum is present.

VALUATION OF WILSON DAM AND CERTAIN STEAM PLANTS—TENNESSEE VALLEY AUTHORITY

The PRESIDENT pro tempore laid before the Senate a letter from the vice chairman of the Board of Directors of the Tennessee Valley Authority, reporting that on May 6, 1937, the President approved the findings of the board with respect to the valuation of Wilson Dam and the steam plants at Nitrate Plants Nos. 1 and 2, which was referred to the Committee on Agriculture and Forestry.

EXCHANGE OF LAND IN PUERTO RICO

The PRESIDENT pro tempore laid before the Senate a letter from the Assistant Secretary of Commerce, transmitting a draft of proposed legislation to authorize the Secretary of Commerce to exchange with the people of Puerto Rico the Guanica Lighthouse Reservation for two adjacent plots of insular forest land under the jurisdiction of the Commissioner, Departments of Agriculture and Commerce, and for other purposes, which, with the accompanying papers, was referred to the Committee on Commerce.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate a resolution adopted by the Young People's Conference, Disciples of Christ, of Bethany Beach, Del., favoring the enactment of stringent legislation to prevent lynching, and also favoring long-term imprisonment of persons convicted of participating in the crime of lynching, which was ordered to lie on the table.

Mr. LONERGAN presented a resolution adopted by the Twenty-sixth Annual Grand Chapter of the Kappa Alpha Psi Fraternity at Washington, D. C., favoring the enactment of legislation for the protection of persons from mob violence and lynching, which was ordered to lie on the table.

Mr. LODGE presented petitions, numerously signed, of sundry citizens of the State of Massachusetts, praying for the abolition of the Federal Reserve Board as at present constituted, and also praying that Congress exercise its constitutional right to coin money and regulate the value thereof, which were referred to the Committee on Banking and Currency.

Mr. COPELAND presented a resolution adopted by the Westchester Newspaper Guild, Yonkers, N. Y., protesting against inclusion in the recently enacted relief joint resolution of a stipulation that current relief appropriations be spent in 12 equal installments, and favoring the elimination of such provision from existing law, which was referred to the Committee on Appropriations.

He also presented a memorial of several citizens of Albany and Coxsackie, N. Y., remonstrating against the enactment of the bill (S. 1270) to regulate barbers in the District of Columbia, and for other purposes, which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES

Mr. LEE, from the Committee on Military Affairs, to which was referred the bill (S. 2317) for the relief of Robert L. Summers, reported it without amendment and submitted a report (No. 881) thereon.

Mr. HUGHES, from the Committee on the Judiciary, to which was referred the bill (S. 2383) to amend the act authorizing the Attorney General to compromise suits on certain contracts of insurance, reported it without amendment and submitted a report (No. 882) thereon.

He also, from the same committee, to which was referred the bill (S. 2388) to increase the punishment of second, third, and subsequent offenders against the narcotic laws, reported it with amendments and submitted a report (No. 883) thereon.

DISTRICT OF COLUMBIA TAXES—MINORITY VIEWS

Mr. KING, as a member of the Committee on the District of Columbia, submitted minority views on the bill (H. R. 7472) to provide additional revenue for the District of Columbia, and for other purposes, which were ordered to be printed as part 2 of Senate Report No. 879.

INTERFERENCE WITH UNITED STATES MAILS—REPORT OF COMMITTEE ON POST OFFICES AND POST ROADS

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, to which was referred the resolution (S. Res. 140) authorizing an investigation of the delivery or nondelivery of mail to establishments where industrial strife is in progress (submitted by Mr. BRIDGES on June 7, 1937), reported it adversely, and submitted a report (No. 885) thereon.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that today, July 8, 1937, that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 557. An act authorizing the naturalization of James Lincoln Hartley, and for other purposes;

S. 630. An act for the relief of the Sheehy Drilling Co.;

S. 727. An act validating homestead entry Billings 029004 of Lillian J. Glinn;

S. 767. An act for the relief of the Charles T. Miller Hospital, Inc., at St. Paul, Minn.; Dr. Edgar T. Herrmann; Ruth Kehoe, nurse; and Catherine Foley, nurse;

S. 1474. An act to provide for the advancement on the retired list of the Navy of Clyde J. Nesser, a lieutenant (junior grade), United States Navy, retired;

S. 2497. An act authorizing John Monroe Johnson, Assistant Secretary of Commerce, to accept the decoration tendered him by the Belgian Government; and

S. J. Res. 88. Joint resolution providing for the participation of the United States in the world's fair to be held by the San Francisco Bay Exposition, Inc., in the city of San Francisco during the year 1939, and for other purposes.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ASHURST (by request):

A bill (S. 2754) to amend the Judicial Code by conferring on circuit courts of appeals jurisdiction to revise sentences in criminal cases; to the Committee on the Judiciary.

By Mr. SCHWELLENBACH:

A bill (S. 2755) to amend section 315 of the Communications Act of 1934;

A bill (S. 2756) to add section 315 (a) of the Communications Act of 1934; and

A bill (S. 2757) to amend section 326 of the Communications Act of 1934; to the Committee on Interstate Commerce.

By Mr. WHEELER:

A bill (S. 2758) to prohibit the transmission of certain gambling information in interstate commerce by communications facilities; to the Committee on Interstate Commerce.

By Mr. HATCH:

A bill (S. 2759) authorizing the sale of certain lands to the regents of the Agricultural College of New Mexico; to the Committee on Public Lands and Surveys.

By Mr. TYDINGS:

A bill (S. 2760) authorizing the George Washington Memorial Bridge Public Corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Potomac River at or near Dahlgren, Va.; to the Committee on Commerce.

By Mr. TYDINGS and Mr. RADCLIFFE:

A bill (S. 2761) authorizing the State of Maryland by and through its State roads commission, or the successors of said commission, to construct, maintain, and operate certain bridges across streams, rivers, and navigable waters which are wholly or partly within the State; to the Committee on Commerce.

By Mr. COPELAND:

A bill (S. 2762) for the relief of the estate of George B. Spearin, deceased; to the Committee on Claims.

By Mr. PITTMAN:

A joint resolution (S. J. Res. 175) to amend section 4 of the joint resolution approved May 1, 1937, amending the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, as amended; to the Committee on Foreign Relations.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 363) to authorize an additional appropriation to further the work of the United States Constitution Sesquicentennial Commission was read twice by its title and referred to the Committee on the Judiciary.

REORGANIZATION OF FEDERAL JUDICIARY—AMENDMENTS

Mr. McCARRAN submitted three amendments intended to be proposed by him to the bill (S. 1392) to reorganize the judicial branch of the Government, which were ordered to lie on the table and to be printed.

DISTRICT OF COLUMBIA TAXES—AMENDMENTS

Mr. TYDINGS and Mr. McCARRAN each submitted an amendment intended to be proposed by them, respectively, to the bill (H. R. 7472) to provide additional revenue for the District of Columbia, and for other purposes, which were ordered to lie on the table and to be printed.

MILDRED MOORE

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 114) for the relief of Mildred Moore, which was, on page 1, line 6, to strike out "$750" and insert "$1,250."

Mr. LEWIS. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

ELLEN TAYLOR

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 828) for the relief of Ellen Taylor, which was, on page 1, line 5, after "Taylor", to insert a comma and "of Richmond, Va."

Mr. BYRD. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

H. G. HARMON

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 885) for the relief of H. G. Harmon, which was, on page 1, line 7, to strike out "$400" and insert "$500."

Mr. GILLETTE. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

HALLE D. M'CULLOUGH

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1934) for the relief of Halle D. McCullough, which was, on page 1, line 10, after "agency", to insert a comma and "which sums have been disallowed by the General Accounting Office for lack of accounting evidence to substantiate the propriety of the expenditures."

Mr. BAILEY. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

FLORIDA O. M'LAIN

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 2229) for the relief of Florida O. McLain, widow of Calvin E. McLain, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BAILEY. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BAILEY, Mr. HUGHES, and Mr. CAPPER conferees on the part of the Senate.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the President pro tempore:

S. 557. An act authorizing the naturalization of James Lincoln Hartley, and for other purposes;

S. 630. An act for the relief of the Sheehy Drilling Co.;

S. 727. An act validating homestead entry Billings 029004 of Lillian J. Glinn;

S. 767. An act for the relief of the Charles T. Miller Hospital, Inc., at St. Paul, Minn.; Dr. Edgar T. Herrmann; Ruth Kehoe, nurse; and Catherine Foley, nurse;

S. 1474. An act to provide for the advancement on the retired list of the Navy of Clyde J. Nesser, a lieutenant (junior grade), United States Navy, retired;

S. 2497. An act authorizing John Monroe Johnson, Assistant Secretary of Commerce, to accept the decoration tendered him by the Belgian Government;

H. R. 4597. An act to amend the Canal Zone Code;

S. J. Res. 88. Joint resolution providing for the participation of the United States in the world's fair to be held by the San Francisco Bay Exposition, Inc., in the city of San Francisco during the year 1939, and for other purposes; and

H. J. Res. 379. Joint resolution authorizing Federal participation in the New York World's Fair, 1939.

REORGANIZATION OF FEDERAL JUDICIARY

The Senate resumed consideration of the bill (S. 1392) to reorganize the judicial branch of the Government.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Wyoming [Mr. O'MAHONEY] to the amendment in the nature of a substitute.

The Senator from Kentucky [Mr. LOGAN] is entitled to the floor.

FAIR LABOR STANDARDS OF EMPLOYMENT

Mr. BLACK. Mr. President, will the Senator from Kentucky yield to me to submit a report?

Mr. LOGAN. I yield.

Mr. BLACK. From the Committee on Education and Labor I report back favorably with an amendment the bill (S. 2475) to provide for the establishment of fair labor standards in employments in and affecting interstate commerce, and for other purposes, and I submit a report (No. 884) thereon.

It is my intention, at a later date, to file a more complete report on the measure. At this time, with the consent of the Senator from Kentucky [Mr. LOGAN], I wish to call the attention of the Senate——

Mr. McNARY. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. McNARY. The Senator states that the report is favorable. Is it a unanimous report from the Committee on Education and Labor?

Mr. BLACK. All members of the committee who were present voted to report the bill favorably.

Mr. McNARY. How many were present?

Mr. BLACK. As I recall, about nine. I did not attempt to count them. I will be glad to find out who they were. One member who was not present asked that he be not recorded either way until he could go over the matter more fully.

Mr. McNARY. What is the number of the membership of the Senator's committee?

Mr. BLACK. Thirteen as I recall; I have not counted them recently. There was a majority present. If there is any question about it I shall be glad to tell the Senator what members were present.

Mr. McNARY. There is no question at all. I was merely curious to know how many voted to report the bill favorably.

Mr. BLACK. I shall be very glad to count them in a moment. The Senator from Louisiana [Mr. ELLENDER] was there, and if he will count them up while I am making the brief statement I desire to make I will be glad to have him do so. The Senator from Pennsylvania [Mr. DAVIS] was also there. He can perhaps recall the Senators who were present.

I desire to read at this time a paragraph from the President's message asking for the enactment of legislation on this subject, which is as follows:

> Today, you and I are pledged to take further steps to reduce the lag in the purchasing power of industrial workers and to strengthen and stabilize the markets for the farmers' products. The two go hand in hand. Each depends for its effectiveness upon the other. Both working simultaneously will open new outlets for productive capital. Our Nation, so richly endowed with natural resources and with a capable and industrial population, should be able to devise ways and means of insuring to all our able-bodied working men and women a fair day's pay for a fair day's work.

I call attention of the Senate to that part of the message for the reason that it is my hope—and I shall urge—that before the Senate shall finally adjourn it shall act upon legislation with reference to minimum wages, maximum hours, and child labor, and that it also act with reference to farm legislation. It is my belief——

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. BLACK. I am going to make now a statement concerning the matter which I think the Senator from New York desires to ask me. Tomorrow the Committee on Education and Labor will meet with reference to the housing bill, at which time the Senator from New York is invited to be present.

It is my belief that all three of the legislative proposals referred to come within the direct scope of the Democratic platform of 1936, and that the people were promised legislation for the benefit of the American farmer and the American worker, and likewise legislation to carry out the housing program. I shall certainly urge that before final adjournment the Senate shall take up for consideration legislation for the benefit of the farm worker and legislation relating to the housing program. I believe our committees now should be working on an investigation preparatory to enacting farm legislation. I sincerely hope they will begin an investigation in order to determine whether they can and will report measures relating to the farm situation in keeping with what we promised the people of the United States.

Mr. POPE and Mr. BURKE addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Kentucky yield; and if so, to whom?

Mr. LOGAN. I shall be glad to yield, but do not desire to yield to have started a discussion of the matter suggested by the Senator from Alabama. I yield first to the Senator from Idaho.

Mr. POPE. Has the Senator from Alabama in mind the so-called new farm bill which has been discussed on the floor and concerning which some informal hearings have been held?

Mr. BLACK. With the consent of the Senator from Kentucky, I will state that it is my understanding that a bill has been suggested and informal discussions have taken place. I believe that bill or any other bill could be used as a basis for study by the committee in connection with farm legislation. I would say that the bill could be considered as a basis for such study because it evidently represents the viewpoint of a large number of farmers.

In this connection I may state that present at the meetings of the Committee on Education and Labor were the Senator from Alabama [Mr. BLACK], the Senator from Massachusetts [Mr. WALSH], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Pennsylvania [Mr. DAVIS], the Senator from Oklahoma [Mr. LEE], the Senator from Florida [Mr. PEPPER], the Senator from Montana [Mr. MURRAY], the Senator from Utah [Mr. THOMAS], and the Senator from Louisiana [Mr. ELLENDER].

Mr. POPE. With reference to the new farm bill I expect either today or tomorrow, at the first opportunity—and I hope in conjunction with the Senator from Kansas [Mr. McGILL], with whom I have been talking—to introduce a new farm bill with only one additional provision with reference to a referendum concerning the marketing-quota features of the bill. That is the only mandatory feature contained in the new bill, and the referendum will relate to it. I have the bill ready and hope to introduce it today or tomorrow to form the basis, as suggested by the Senator from Alabama, for consideration of further farm legislation.

Mr. McNARY. Mr. President, if the Senator from Kentucky will yield, I desire to ask the Senator from Idaho a question.

Mr. LOGAN. I yield for that purpose.

Mr. McNARY. Has the Senator from Idaho in mind and is he now speaking about the so-called ever-normal trading bill?

Mr. POPE. I am speaking of the so-called new agricultural adjustment bill of 1937, to which the Senator referred sometime ago, the bill which has now been introduced in the House and concerning which some informal hearings have been had before the Committee on Agriculture and Forestry of the Senate. The bill has not been actually introduced in the Senate, but I expect to introduce it today or tomorrow; and I hope the Senator from Kansas [Mr. McGILL] may join with me, as we have discussed the matter together.

Mr. LOGAN. I yield now to the Senator from Nebraska.

Mr. BURKE. Mr. President, with the permission of the Senator from Kentucky, I desire to ask the Senator from Alabama [Mr. BLACK] a question with reference to his statement.

The PRESIDENT pro tempore. Does the Senator from Kentucky yield for that purpose?

Mr. LOGAN. I do.

Mr. BURKE. I understood the Senator from Alabama to say there are three matters which he thinks ought to receive the attention of the Senate before we conclude our labors, namely, the wages and hours bill, farm legislation, and housing legislation. The reason he gave for considering them is that they all come within pledges made in the national Democratic platform. The question I should like to ask the Senator is whether he does not believe it would be very wise for the Senate to consider no further and give no further attention to any measures not included within the provisions of the last Democratic national platform?

Mr. BLACK. Mr. President, will the Senator from Kentucky yield to enable me to answer the Senator from Nebraska?

Mr. LOGAN. I yield for that purpose.

Mr. BLACK. It had not been my intention at this time to enter into a discussion with any one of the members of the flying squadron who are opposed to the President's Court plan. Not having the floor in my own right, it is impossible for me to enter into that discussion with the Senator from Nebraska, who, as I understand, is, if not the general, at least the lieutenant general, or the major general, or the brigadier general of that squadron.

I did not mean by the statement I made that the present Congress should limit itself to consideration of the three measures to which I referred. The Senate is now considering and discussing the Court bill. As a member of the platform committee, one of the 10 members of the subcommittee which drew the platform, it is my belief that the Senate is now proceeding in accordance with another plank in the Democratic platform by which it pledged the people it would consider, in connection with legislation coming before the Congress, the bill it is now discussing. For that reason I favor proceeding with the Court bill, filibuster or no filibuster, until we complete its consideration.

Mr. BURKE. Will the Senator from Alabama kindly state what language he finds in the result of the labors of the platform committee at the last Democratic National Convention that gives any substance to the statement he just made?

Mr. LOGAN. I will answer that without yielding to the Senator from Alabama to do so, because the statement has been made several times. It was made by the Senator from North Carolina [Mr. BAILEY], who read the platform into the RECORD and said there was nothing in the platform that would even give an intimation that there would be any legislation of this kind. I state now that it is asserted in the Democratic platform positively that if no legal remedy can be found to do something about the questions we are considering, a constitutional amendment perhaps would be submitted, but a legal remedy was found and therefore we are seeking to carry out that provision of the Democratic platform.

(At this point Mr. LOGAN yielded for the transaction of several matters of routine business, which appear elsewhere in today's RECORD.)

REORGANIZATION OF FEDERAL JUDICIARY

The Senate resumed consideration of the bill (S. 1392) to reorganize the judicial branch of the Government.

Mr. LOGAN. Mr. President, I express the hope that I may be permitted to discuss, for at least a while, in an orderly fashion the proposed substitute for Senate bill 1392, known as the bill to reform the judiciary; but before I begin that discussion, and so that the question may be forever settled, I desire to read the Democratic platform touching the matter inquired about by the Senator from Nebraska [Mr. BURKE]. Apparently the Senator from Nebraska has never read it, and some of the other Senators apparently have not done so.

It has been charged by many Senators that the President, in submitting this proposal to the Congress, was violating a platform pledge. He was doing no such thing. That is another red herring drawn across the trail.

Mr. WHEELER. Mr. President, let me ask the Senator a question.

Mr. LOGAN. Very well.

Mr. WHEELER. My attention was diverted when the Senator's statement was being made. Am I to understand that the Senator contends that the Democratic platform has in it anything with reference to increasing the membership of the Supreme Court of the United States, or putting additional Justices on the Supreme Court because members of it are over 75 years of age?

Mr. LOGAN. I did not say the Democratic platform said anything about it; but when the Constitution provides the sole means of gaining relief from the aggressions of the Supreme Court, any lawyer and any citizen may know that an effort to obtain relief within the Constitution relates to the only method left open by the Constitution.

Mr. WHEELER. Do not misunderstand me. I am trying to get at what the Senator has in mind with reference to this bill. Is it the intention of this bill to put men on the Supreme Court so as to overturn its decisions or to interfere with the aggressions of the present members of the Supreme Court?

Mr. LOGAN. Certainly it is not; and no one has ever thought so except those who have a vitriolic hatred of the President and the present administration.

The Senator from Montana has been a lawyer. He has been a practicing lawyer. I desire to ask him whether he considered that he was packing a jury when he saw men on the jury who, he thought, held views that would not be for the best interests of his client, and he challenged them, and asked the officer to produce other jurors. Was the Senator trying to pack the jury then?

Mr. WHEELER. Of course that is not packing a jury; but the judicial system provides for the selection of a jury, and it provides that each party shall have certain challenges with reference to the jury. That, as the Senator knows, is quite a different thing from throwing judges off the bench because they disagree with one's political views.

Mr. LOGAN. Nobody has ever talked about throwing judges off the bench. That is a manufactured issue coming from those who oppose the proposal.

Let me say to the Senator from Montana that I have great respect for his ability. He has been an outstanding Member of this body for a long time; and there is no one more sorry than myself to see the company he is with at this time, when apparently he has turned his back on everything he has ever stood for since he has been in the Senate, and is lending aid and comfort to those who, he knows, would destroy the Government if they were not restrained.

Mr. WHEELER. I thank the Senator for his very kind remarks with reference to me. I have a high regard for the Senator from Kentucky and for his ability. I desire to say, however, that I do not need his words of sympathy; and when the Senator says I am turning my back on everything I have ever stood for, he is stating something that is not in accord with the truth or the fact.

Mr. ROBINSON. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator from Arkansas will state it.

Mr. ROBINSON. A Senator having the floor may yield for a question. He may not yield to other Senators for speeches within his time.

Mr. LOGAN. I started a moment ago——

The PRESIDENT pro tempore. May the Chair rule on the point of order?

Mr. JOHNSON of California. Yes, Mr. President; I hope he may, so that the point of order will be recognized by every speaker from now on. I do not want that point of order to be raised in regard to this episode, however, when we see it violated every day, on numerous occasions, by other Senators.

Mr. LOGAN. I have not the slightest objection——

The PRESIDENT pro tempore. The point of order is not debatable unless it is submitted to the Senate.

Mr. TYDINGS. Mr. President, may I ask the Chair a question?

The PRESIDENT pro tempore. The Senator may.

Mr. TYDINGS. I submit to the Chair that when the personal standing and record of a Senator is attacked by another Senator, I feel that it is only fair, in passing on the point of order, to give the Senator who is attacked all the latitude in the world, in order that his position may not be misstated.

The PRESIDENT pro tempore. The Senator from Arkansas makes the point of order that a Senator may not yield except for a question.

Mr. WHEELER. Mr. President——

The PRESIDENT pro tempore. The Chair is ruling on the question. If the Senator from Montana wishes to say something, the Chair will be glad to hear him.

Mr. WHEELER. Mr. President, I simply wish to say that I have not any desire to make speeches in the time of any other Senator; but I do wish to call attention to the fact that I asked the Senator from Kentucky a question, and in response to that question he made a statement with reference to me. In all fairness and all decency I have a right to correct the statement which was made by the Senator against me.

Mr. ROBINSON. Mr. President, in reply to that let me say that the Senator from Montana has a perfect right to take the floor in his own behalf. He has not the right to make an argument within the time of the Senator from Kentucky.

Mr. WHEELER. I do not know anybody on this floor who violates that rule more than does the Senator from Arkansas.

Mr. ROBINSON. Mr. President, I never violate any rule when I am required to conform to it; and I am now seeking to require my good friend the Senator from Montana to conform to the rule.

Mr. WHEELER. From now on we shall require the Senator from Arkansas, as well as every other Senator, to conform to that rule.

Mr. ROBINSON. I shall be very glad to do so, Mr. President. On the occasion when I addressed the Senate a few days ago it was not at my invitation that I was asked all manner of questions, some of which were irrelevant. I did yield, and permitted my colleagues to make many speeches in my time, on the theory that they might make better speeches than I could make. The rule of the Senate is well defined, however, and it is my intention to invoke it.

Mr. JOHNSON of California. Mr. President, that is all right, provided the rule be invoked impartially.

Mr. ROBINSON. Mr. President, I rise to a point of order. It is not in order for the Senator from California to address the Senate during the time of the Senator from Kentucky.

Mr. JOHNSON of California. The Senator from Arkansas has just delivered himself of an address which he was privileged, of course, to deliver here.

Mr. ROBINSON. I make the point of order, Mr. President.

Mr. JOHNSON of California. If the Senator from Arkansas may deliver a speech in the time of the Senator from Kentucky, the rest of us can do the same thing; and that may be understood right now.

Mr. ROBINSON. I make the point of order.

Mr. LOGAN. Mr. President, I desire to assure the Senate that I intended no disrespect to the Senator from Montana. I have long been an admirer of his. Sometimes, in the heat of debate, we do not express ourselves as we should. I do not question at all the good faith and the honest motives behind the conduct of the Senator from Montana; but he has, I think, taken a position which would lead those who do not know him, perhaps, as well as some of us do to think he was in bad company.

Now I desire to call attention to the Democratic platform.

The PRESIDENT pro tempore. The Senator from Kentucky will please suspend. A point of order has been made by the Senator from Arkansas. The point of order is not debatable until it is submitted to the Senate or is appealed. The Chair has no right to raise a point of order except in particular cases where there is disorder. Whenever a Senator makes a point of order—and any Senator has a right to do so—it is the duty of the Chair to rule upon the point of order or submit it to the Senate.

A point of order has been made to the effect that the Senator from Kentucky may not yield to other Senators for anything but a question; that he may not yield for a speech. The Chair thinks it well at this time for the Chair to read the rules that are applicable to these matters, as questions regarding them will undoubtedly arise quite frequently in the near future.

Rule XIX provides:

> No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer.

Let the Chair call attention to the fact that a part of that rule requires that the Chair shall be first addressed, and that the Chair shall submit the request to the Senator who is speaking. When it is not important, Senators yield to various other Senators without conforming to that portion of the rule. The other portion of the rule is really the foundation for what is termed "unlimited debate" in the United States Senate, because there is no other provision with regard to unlimited debate in the United States Senate. It is called "unlimited debate" because as long as a Senator who has the floor is physically able to speak, he cannot be interrupted unless he is willing to be interrupted, and then he can be interrupted only for a question. The right to yield for a question is based only on precedents; but when it is apparent that a Senator is attempting to farm out his right to the floor by yielding to other Senators for speeches, he is yielding the floor, and therefore after each such yielding he is making another and separate speech.

The matter becomes particularly material at the present time because we are now in a legislative day extending over several calendar days.

Another part of rule XIX provides:

> No Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate.

In order to be consistent with that rule it is evident that a Senator cannot farm out the time to other Senators, because it would be a violation of the rule that no Senator shall speak more than twice on the same subject on the same day.

The Chair will hold, when the question is raised, that "day" means legislative day. In view of that fact, the Chair is forced to sustain the point made by the Senator from Arkansas that the Senator has been yielding not alone for questions but for statements, and if the Senator sees fit to yield for a speech, he may do so, but he yields the floor at that time. If he does that twice, he cannot speak again on the legislative day on the same subject, because he will have voluntarily made two speeches on the same day upon the same question.

Mr. BURKE. Mr. President, may I submit a parliamentary inquiry?

The PRESIDENT pro tempore. The Senator will state it.

Mr. BURKE. I understand that the Chair is not at this time ruling on the provision of rule XIX as to the definition of "day", but states that when the point is raised he is prepared to rule that "day" as so used means "legislative day."

The PRESIDENT pro tempore. The Senator from Nebraska is correct. The Chair was merely advising the Senate as to the attitude of the Chair.

Mr. TYDINGS. A point of order, Mr. President.

The PRESIDENT pro tempore. The Senator will state it.

Mr. TYDINGS. I should like to call the attention of the Chair to the rule which provides that no Senator either directly or indirectly may impugn the motives of another Senator. I think that rule should be enforced also.

The PRESIDENT pro tempore. The answer to the Senator is that any Senator may invoke rule XIX, and under that rule a Senator may call to order the speaker who is transgressing the rules of the Senate and the speaker who is called to order must take his seat and remain in his seat until the Senate shall indicate by vote that he may proceed in order. Rule XIX also provides that—

> No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

This rule can be invoked and enforced without the consent of the Senator who is speaking.

Mr. LOGAN. Then when I yield in the future, Mr. President, it will be understood that I am yielding only for a question; but I have no power myself to determine whether a question is asked or whether the interrupting Senator is making a speech. I hope that burden may not be thrown upon me. Neither will I farm out time for speeches to Senators who have been interrogating me, because if I desired to farm out some time I would farm it out to those on my own side.

The PRESIDENT pro tempore. The Chair may state to the Senator from Kentucky that he has a right to stop any Senator who has interrupted him at any time, although he has yielded, and therefore the Senator is responsible for the determination of the fact whether a question is being asked or a speech is being made.

Mr. LOGAN. A parliamentary inquiry, Mr. President. As I understand the rule, if the Senator who is making a speech yields for any purpose except for a question, he loses the floor. Suppose one yields for a question, and the Senator who has interrupted him makes a statement. Is the burden on the Senator who has the floor to stop the interrupting Senator or should a point of order be made against him?

The PRESIDENT pro tempore. The Chair holds that the Senator himself is responsible for the conduct of his speech, having a right to refuse to yield further at any time. He will therefore be liable for his own conduct and the effect upon his right to continue his own speech.

Mr. LOGAN. Mr. President, as I said in the beginning, I am always glad to yield. I am also obedient to all rules of the Senate and other rules for the government of my conduct. Consequently, I do not want Senators to take it as a discourtesy if I decline to allow one to make a statement or a speech.

Mr. WHEELER. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. WHEELER. Will the Chair be kind enough to state what business, other than the business under consideration, can be transacted under the rule the Chair has just announced with reference to a legislative day?

The PRESIDENT pro tempore. No other business may be transacted except to lay down messages from the President, the House of Representatives, and conference reports, which may be considered upon motion. Such motion is not debatable. Any business, of course, may be transacted by unanimous consent.

Mr. WHEELER. I wish to state now that, in view of the rule which has been laid down, from now on no business will be transacted, if I am on the floor, except by unanimous consent, unless it is a privileged motion.

The PRESIDENT pro tempore. The Chair may state, however, that there is an exception with regard to action on conference reports and on matters coming from the other branch of the Congress, and from the White House.

Mr. McNARY. Mr. President, there is another exception. If the able Senator from Arkansas should move an adjournment, certainly we would have a morning hour for the transaction of business, and there would be routine business. That is what I would call transacting business not by unanimous consent.

The PRESIDENT pro tempore. Undoubtedly that is in accordance with the rule.

Mr. LOGAN. Mr. President, the Democratic platform in 1936 contained this provision:

> The Republican platform proposes to meet many pressing national problems solely by action of the separate States. We know that drought, dust storms, floods, minimum wages, maximum hours, child labor, and working conditions in industry, monopolistic and unfair business practices cannot be adequately handled exclusively by 48 separate State legislatures, 48 separate State administrations, and 48 separate State courts. Transactions and activities which inevitably overflow State boundaries call for both State and Federal treatment.
>
> We have sought and will continue to seek to meet these problems through legislation within the Constitution.
>
> If those problems cannot be effectively solved by legislation within the Constitution, we shall seek such clarifying amendment as will assure to the legislatures of the several States and to the Congress of the United States, each within its proper jurisdiction, the power to enact those laws which the State and Federal legislatures, within their respective spheres, shall find necessary in order adequately to regulate commerce, protect public health and safety, and safeguard economic security.

Mr. O'MAHONEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Wyoming?

Mr. LOGAN. I yield for a question.

Mr. O'MAHONEY. Will the Senator be good enough to state the problems to which the platform referred?

Mr. LOGAN. I have just read them. They are stated in the platform.

Mr. O'MAHONEY. The Senator from Wyoming is, perhaps, a little dense. Will the Senator from Kentucky be good enough to repeat the problems to which the platform refers?

Mr. LOGAN. I shall be delighted.

> Thus we propose to maintain the letter and spirit of the Constitution.

This was the situation——

Mr. BURKE. Mr. President, will the Senator yield for a question right there?

Mr. LOGAN. Wait until I answer the other question. I shall be very glad, just as soon as I can answer the other question. I cannot answer two at once.

The platform specifically enumerates flood control, labor, minimum wages, maximum hours, social security, the regulation of commerce, protection of public health and safety, and safeguarding economic security. I believe that covers all of them except child labor and working conditions in industry, monopolistic and unfair business practices.

Mr. O'MAHONEY. Will the Senator yield for a question?

Mr. LOGAN. I yield.

Mr. O'MAHONEY. Will the Senator be good enough to indicate to this body which one of those problems is now in danger of not being carried out by law?

Mr. LOGAN. I will do so as soon as I yield to the Senator from Nebraska, who started to ask a question.

Mr. O'MAHONEY. But, Mr. President, why slip from one question to another?

Mr. BURKE. I withdraw my question.

Mr. O'MAHONEY. Why not answer a question when it is propounded?

The PRESIDENT pro tempore. Does the Senator from Kentucky yield further to the Senator from Wyoming?

Mr. LOGAN. I yield to the Senator from Nebraska.

Mr. BURKE. The question I desire to submit to the Senator from Kentucky is this: Why did the framers of the platform in the last sentence read by the distinguished Senator refer to legislation within the letter and the spirit of the Constitution?

Mr. LOGAN. Because that is the way all legislation should be.

Mr. LEWIS rose.

Mr. LOGAN. I yield to the Senator from Illinois.

Mr. LEWIS. I merely wish to protest against this concerted action on the part of the able Senators constantly to interrupt the speech of the Senator from Kentucky so as to prevent him from continuing on the point to which he wishes to address himself.

Mr. BURKE. I rise to a question of personal privilege.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BURKE. The Senator from Kentucky stated that he wanted to read the platform because he believed that I had never read it. I believe that under those circumstances I have a right to demonstrate that I have read it, understand it, and know what is in it, and recognize the vital distinctions drawn by the framers of the platform when they refer both to the bare letter of the Constitution and to the spirit of the Consitution.

Mr. ROBINSON. Mr. President, I rise to a point of order. The Senator from Nebraska is not stating any question of personal privilege.

Mr. O'MAHONEY. Mr. President, may I rise to a question of personal privilege?

The PRESIDENT pro tempore. The point of order is not debatable. The point of order is made that the Senator from Nebraska is not raising any question of personal privilege. The Senator from Nebraska has stated that he feels that he has been imposed upon by a statement that he has not read the Constitution.

Mr. BURKE. No; the Democratic platform.

The PRESIDENT pro tempore. The Chair does not know whether that is an insult or not. [Laughter.]

Mr. BURKE. I withdraw the point of personal privilege.

The PRESIDENT pro tempore. The point of order is sustained upon the ground that a question of personal privilege cannot be raised while another Senator has the floor without his consent.

Mr. LOGAN. I desire, then, to withdraw the statement, because I believe the Senator has read the platform.

Mr. O'MAHONEY. Mr. President, I rise to a question of personal privilege.

The PRESIDENT pro tempore. The Senator will state it.

Mr. LOGAN. I yield to the Senator for a question.

Mr. O'MAHONEY. I have risen to a point of personal privilege.

Mr. LOGAN. I have nothing to do with that.

Mr. O'MAHONEY. Not because of anything——

The PRESIDENT pro tempore. The point of personal privilege must be stated.

Mr. O'MAHONEY. I shall state the point of personal privilege if the Chair will but bear with me and give me an opportunity.

The PRESIDENT pro tempore. The Senator must not make a speech without the consent of the Senator having the floor, and such Senator cannot give such consent without suffering the penalty that may attach to yielding the floor.

Mr. O'MAHONEY. Mr. President, the Senator from Illinois [Mr. LEWIS] raised the point that the Senator from Nebraska [Mr. BURKE] and I were asking questions of the Senator from Kentucky [Mr. LOGAN] for the purpose of interrupting his argument. I deny the imputation. The question which I propounded to the Senator from Kentucky was not asked for the purpose of interrupting his discourse but to illuminate his discourse, to determine whether or not——

Mr. ROBINSON. Mr. President, I again rise to a point of order. The Senator from Wyoming is not stating any question of personal privilege.

Mr. O'MAHONEY. Mr. President, if the Senator from Illinois [Mr. LEWIS] reflects upon the motives of a Senator in asking a question, is he not then out of order?

The PRESIDENT pro tempore. The Chair must repeat that it is obvious that parliamentary procedure could not go on if the Senate had imposed upon it methods of procedure under which questions of personal privilege such as have just been raised were indulged in. Senators cannot rise for a question of personal privilege when a Senator is speaking without his personal consent. The Senator has violated that rule.

Mr. O'MAHONEY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. O'MAHONEY. Do I understand it to be the ruling of the Chair that a Member of this body may not rise to a point of personal privilege if the Senator who is occupying the floor declines to yield?

The PRESIDENT pro tempore. That is the rule.

Mr. O'MAHONEY. Mr. President, another parliamentary inquiry then.

The PRESIDENT pro tempore. The Senator will state it.

Mr. O'MAHONEY. In other words, if the Senator who occupies the floor undertakes to cast imputations upon the motives of another Senator, is that other Senator denied the right to rise to a question of personal privilege unless the Senator who is making the charges yields the floor?

The PRESIDENT pro tempore. No; he is not, because rule XIX expressly provides that in such a case a Senator may rise and call the other Senator to order for improper language, in which case that Senator must take his seat without further action and must remain in his seat until a majority of the Senators vote that he may proceed. That is the remedy of the Senator from Wyoming.

Mr. O'MAHONEY. Another parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator will state it.

Mr. O'MAHONEY. May a Senator ask a question of another Senator without obtaining the permission of that Senator?

The PRESIDENT pro tempore. He may not.

Mr. O'MAHONEY. So that a Senator who occupies the floor may shut off all debate while he is talking?

The PRESIDENT pro tempore. That is the rule.

Mr. O'MAHONEY. And he may retire within his own shell and keep the argument all to himself until he has finished?

The PRESIDENT pro tempore. If that were not true there could not be a filibuster.

Mr. LOGAN. Mr. President, I shall attempt to proceed, although it is a little difficult to follow connected ideas or thoughts when there are so many questions of personal privilege. I now desire further to refer to the platform of 1932, on which President Roosevelt and many Senators were elected, and I find this language in that platform, a promise on the part of the Democratic Party:

> Simplification of legal procedure and reorganization of the judicial system to make the attainment of justice speedy, certain, and at less cost.

Mr. President, after the Roosevelt administration began to operate much legislation was passed which all of us thought was for the best interests of the American people, and the American people thought so. It is true there was a great protest against the legislation which constitutes the bulk of laws known as the New Deal. There existed in the country a great organization of distinguished men known as the Liberty League. Those who are opposing the Court plan now were not the first to proclaim the destruction of liberty by the Roosevelt administration.

The distinguished men known as the Liberty League raised a good deal of wind about what was being done.

After that certain legislation reached the Supreme Court of the United States. Far be it from me to criticize the Supreme Court. In the event Senators desire to find criticism of the Supreme Court, let them read some of the dissenting opinions which have been written by members of

the Court, or perhaps Senators will find more severe criticism than I would ever make in expressions of some of the Senators who are now opposing this legislation. But the fact remains that we had drifted down to the good year 1936, and the Supreme Court had reached a state where some legislation might be upheld or it might be declared invalid, and no living human being could tell what would happen to it.

For instance, in that good year of 1936 there were 57 lawyers, outstanding lawyers of the Nation—I have forgotten whether they were Liberty League lawyers or whether they were American Bar Association lawyers—a Senator says they were Liberty League lawyers—and they wrote an opinion about the constitutionality of the Wagner Labor Relations Act. In that opinion there was not a single dissent. These 57 names were signed to the opinion, and it was printed and scattered broadcast over the entire Nation. The conclusion which was reached by those distinguished lawyers, without a dissent, was that the Wagner Labor Relations Act was unconstitutional.

Mr. WHEELER. Mr. President, will the Senator yield so I may have permission to ask him a question?

Mr. LOGAN. Yes; I yield.

Mr. WHEELER. I also ask the same permission from the Democratic leader.

May I ask the Senator if it was not also the opinion of the Attorney General who argued the case before the Supreme Court that the law was unconstitutional?

Mr. LOGAN. I rather imagine that it was. It was my opinion, I might say, that there was some doubt, but I thought the Court as then constituted would hold the act invalid. I did not think it was unconstitutional, but if the Constitution is what the judges say it is, and that seems to be the general opinion now, I thought the judges would say that it was unconstitutional. But they did not. They upheld it, much to the confusion of the Liberty League lawyers.

Mr. WHEELER. Let me ask another question.

Mr. LOGAN. I yield.

Mr. WHEELER. The Supreme Court also held it constitutional to the confusion of the Attorney General of the United States, did it not? For does not the Senator know that the Attorney General of the United States had said that it would be held unconstitutional, and does he not know that some of the Senators on the floor of the Senate had said that it would be held constitutional notwithstanding the opinions of the Attorney General of the United States?

Mr. LOGAN. I do not know that, but I have no reason to dispute the correctness of the statement.

Mr. BARKLEY. Mr. President, will my colleague yield to me for a question?

Mr. LOGAN. I yield to my colleague from Kentucky.

Mr. BARKLEY. Is it not also true that former President Taft vetoed an act of Congress on the ground that it was unconstitutional, and that the Supreme Court, of which he was later Chief Justice, held it constitutional?

Mr. LOGAN. That is very true. That was the Webb-Kenyon Act.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. LOGAN. I yield to the Senator from New York.

Mr. WAGNER. Does the Senator from Kentucky know of the existence of any official document anywhere which sets forth that the Attorney General of the United States has held or declared that the so-called Labor Relations Act was unconstitutional?

Mr. LOGAN. I do not.

Mr. WAGNER. He certainly argued with great ability and great favor before the United States Supreme Court to uphold its constitutionality, and he succeeded.

Mr. LOGAN. And he won his case.

Mr. WAGNER. Yes.

Mr. LOGAN. I was pointing out the conditions as they existed at that time, and the point I seek to make is that there was no one in the Senate or outside of it who in 1936 could tell whether an act of Congress was constitutional or unconstitutional. All fair-minded men must agree that that is true. It seems that some of the Justices had become so fixed in their opinions that one knew what they were going to do before a case ever reached them. I believe there are some members of the Court today, as there are some Members of the Senate, who believe that everything which comes from President Roosevelt, which is tinged with coloring of the New Deal, comes from the devil; and since the Constitution has become an instrument which is interpreted according to the personal whim of the judges, then anything in the way of legislation which tended to support what is known as the New Deal we knew would be held unconstitutional by certain members of the Court.

When the Democratic committee met to adopt the platform it had all these things in mind. The Agricultural Adjustment Act had been declared unconstitutional. The Supreme Court had said that agriculture was merely a question of local welfare. There is no one in the Senate who agrees with that construction, and there are just as good lawyers in the Senate as will be found on the Supreme Court Bench. The Supreme Court had held that certain things which might be done under the N. R. A. relating to interstate commerce were not constitutional. Some thought they were constitutional and some thought they were not.

Then there were other important decisions relating to the Railroad Retirement Act and other acts, not necessary to name, which had been declared unconstitutional.

Then, when the Democratic convention met, knowing all of these things, and knowing that it was necessary to carry out the program of the President, we said, "We shall carry out the program within the Constitution if it can be done. If no legal way can be found to carry out these things within the Constitution, then we will submit a constitutional amendment."

Then the lawyers—and there are a good many lawyers in the Senate—began to go back into history to find out what could be done, and we found this provision in the Constitution, which we had always known was there.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. BURKE. Does the Senator concede that there might be an act of Congress which would be within the letter of the Constitution but not within the spirit of the Constitution?

Mr. LOGAN. I will say to the Senator that there is no such thing. There can be no distinction between the letter of the Constitution and the spirit of the Constitution, as the spirit of the Constitution is that body of principles that may be drawn from within the Constitution itself. The implied powers that are not found in the Constitution might be called the spirit of the Constitution, but there can be no separation between the spirit and the substance of the Constitution. I am glad to answer the question.

Mr. BURKE. Mr. President, will the Senator yield for a further question on the same point?

Mr. LOGAN. I yield.

Mr. BURKE. If the two things mean one and the same, why, then, did those who met at Philadelphia and drew this plank to be inserted in the Democratic platform say that the things that this Congress would do, if the Democrats were returned to power, would be within the letter of the Constitution and within the spirit of the Constitution?

Mr. LOGAN. Lawyers have a habit of using lots of words to express very simple things. [Laughter.] We all know that to be true. There was no reason in the world to make such a statement. I do not know who wrote it; perhaps it was the Senator from Alabama, but I do know that if a thing is within the Constitution it is within the substance and within the spirit of the Constitution.

Mr. BURKE. Will the Senator yield to one further question?

Mr. LOGAN. I yield.

Mr. BURKE. The Senator, of course, is familiar with the writings of Woodrow Wilson. I call his attention, as preliminary to the question I am about to ask, to a statement

made by Woodrow Wilson before he became President of the United States, that the failure of the Constitution to specify the number of Justices who should constitute the Supreme Court left a loophole that might be taken advantage of to overwhelm the Court by adding members to secure a different decision; that such action, in his judgment, would be within the letter of the Constitution, but, to use his own language, would clearly violate the spirit of the Constitution and would be a plain offense against morality. Was Woodrow Wilson just using language when he drew that distinction between the letter and spirit of the Constitution?

. Mr. LOGAN. I regard former President Wilson as perhaps the most learned and one of the greatest men that America has ever produced. Many will disagree with that statement, but that is my estimate of him. However, he overspoke himself quite frequently, and he overwrote himself occasionally. That statement coming from that distinguished citizen of the United States, whom I admire so much, shows how great men can nod; even Homer nodded at times, so we were told. Now let us get down to facts so that I may discuss the matter connectedly.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. LOGAN. I yield to the Senator.

Mr. SCHWELLENBACH. I ask the Senator whether or not he believes that either the writers of the Constitution or former President Woodrow Wilson believed that there was anything contemplated in either the letter or the spirit of the Constitution that would permit a situation to exist in our Supreme Court whereby four members of that Court would so firmly make up their minds to declare unconstitutional any legislation presented by this administration as to make it necessary every time the administration attempted to secure approval of legislation before the Supreme Court to get the unanimous vote of all five of the open-mind judges? Is that within the spirit or the letter of the Constitution?

Mr. LOGAN. It is not, and, of course, President Wilson had no such situation in view at the time. There was always the danger that Congress could absolutely destroy the Supreme Court by its failure to make appropriations to support it; and the same statement applies to the executive branch.

Mr. O'MAHONEY. Now, Mr. President, may I ask a question at that point?

Mr. LOGAN. I yield to the Senator from Wyoming.

Mr. O'MAHONEY. Did I understand the Senator correctly when I thought I heard him say that any act of Congress which would be within the letter of the Constitution would be within its spirit?

Mr. LOGAN. I said it, because I said there was no difference between the letter and the spirit of the Constitution.

Mr. O'MAHONEY. Then, if the Congress should refuse to appropriate for the Supreme Court, would that be within the spirit of the Constitution?

Mr. LOGAN. It would be within the letter and the spirit of the Constitution, plainly expressed.

Mr. O'MAHONEY. And if the Congress should refuse to appropriate for the executive arm of the Government would that be within the spirit of the Constitution?

Mr. LOGAN. Absolutely within both the letter and spirit of the Constitution.

Mr. O'MAHONEY. Then, is it the opinion of the able Senator from Kentucky that the Congress of the United States, by withholding appropriations from the judicial arm and from the executive arm of the Government, would be within the spirit of the Constitution by striking down the other two coordinate branches?

Mr. LOGAN. That which is specifically allowed by the Constitution itself the Congress may do, and it is within the spirit of the Constitution. No one can dispute that. But now let me get on just a little further. Here is the question of what could we do about the situation which had developed.

Mr. BAILEY. Mr. President, will the Senator permit me to ask him a question?

Mr. LOGAN. I will.

Mr. BAILEY. How can the Senator reconcile his views that the letter and the spirit are the same, in view of the teaching of a very great teacher concerning the ancient law, "The letter killeth, but the spirit maketh alive"? I know that the Senator from Kentucky is a great Bible scholar, and I should like him to make the reconciliation.

Mr. LOGAN. I am very familiar with St. Paul, and some of these days, if the Senator will come out to my Sunday-school class, I will try to instruct him about that, but he ought not to talk about those things in the Senate of the United States. [Laughter.]

Mr. TYDINGS. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Maryland?

Mr. LOGAN. I yield to the Senator from Maryland.

Mr. TYDINGS. Does the Senator feel, if the Congress of the United States should fail to pass an appropriation providing for the salaries of Members of the Congress of the United States, that that would be within the spirit and the letter of the Constitution?

Mr. LOGAN. Absolutely, I do.

Now, what can be done with the Supreme Court when it sets itself up as an autocracy, a body with absolute power, without any check upon it, without anyone to say, if it says black is white or white is black, that that is incorrect, and the American people must live under its decisions?

Mr. O'MAHONEY. Mr. President, will the Senator yield for an answer to his question?

Mr. LOGAN. I yield for a question only.

Mr. ROBINSON. Mr. President, I rise to a point of order.

Mr. O'MAHONEY. Then, Mr. President, if that be so, submit a constitutional amendment and you will get your answer.

Mr. ROBINSON. I make the point of order that the Senator from Wyoming is not in order.

Mr. LOGAN. Mr. President——

The PRESIDENT pro tempore. The Chair will hold that the Senator from Wyoming is out of order. He knows the rules of this body. He knows that he has no right to interrupt a Senator without addressing the Chair; he knows that the Senator refused to be interrupted, except for a question, and he continued to make a statement.

Mr. O'MAHONEY. The Senator from Kentucky did not refuse to be interrupted.

The PRESIDENT pro tempore. The Senator from Kentucky refused to let the Senator answer the question, and the Senator continued to violate the rules of the Senate. He knows the rules.

Mr. O'MAHONEY. Mr. President, may I, rising to a question of personal privilege and to draw the attention of the Chair——

The PRESIDENT pro tempore. The Chair will hold that the Senator has no right to rise to a question of personal privilege without the consent of the Senator from Kentucky.

Mr. O'MAHONEY. Mr. President, will the Senator from Kentucky be good enough to permit me to rise to a question of personal privilege?

Mr. LOGAN. I yield.

Mr. O'MAHONEY. I was sure the Senator would do that. I am addressing myself now to the remarks of the Presiding Officer of this body. The Presiding Officer of the body said that the Senator from Kentucky refused to permit me to answer. The fact of the matter is, as the RECORD will show, it was not the Senator who has the floor but the Democratic leader here who was the first person to raise the question of the propriety of my interruption.

Mr. ROBINSON. I rise to a point of order. The Senator from Wyoming is again not stating a question of personal privilege.

The PRESIDENT pro tempore. The Chair sustains the point of order and holds that the Senator from Wyoming is violating the rules.

Mr. O'MAHONEY. Now may I ask a parliamentary question?

The PRESIDENT pro tempore. The Senator will state it.

Mr. O'MAHONEY. I desire to be informed to what extent a question of personal privilege goes. If the Presiding Officer of this body imputes to a Senator improper motives, is the Senator not permitted to reply to the Chair?

The PRESIDENT pro tempore. The Senator from Arkansas made a point of order that the Senator from Wyoming was out of order, and the Chair ruled that the Senator was out of order. The Senator should know he was violating the rules which the Chair read a while ago.

Mr. O'MAHONEY. The Chair is now accurate, but what the Chair ruled was that the Senator who had the floor had refused to permit me to answer when that Senator had granted me permission to answer.

The PRESIDENT pro tempore. The Chair understood that the Senator from Kentucky yielded for a question only.

Mr. O'MAHONEY. I will submit the matter to the Senator from Kentucky.

The PRESIDENT pro tempore. The Chair has ruled the Senator from Arkansas made the point of order; the point of order was well taken and the Chair sustained the point of order.

Mr. WHEELER. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. WHEELER. I want to know how far a Member of the Senate is going to have to be lectured here——

Mr. ROBINSON. I rise to a point of order.

Mr. WHEELER. I am asking a parliamentary question.

Mr. ROBINSON. The Senator is not stating a parliamentary question.

Mr. WHEELER. I am making a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. WHEELER. I want to know whether or not, during this debate, those who are opposed to this bill are going to be lectured by the Chair or are going to be lectured by the Democratic leader and not be permitted to answer?

Mr. ROBINSON. Now, I make the point of order that that is not a parliamentary inquiry.

Mr. WHEELER. Let the Chair answer the inquiry.

The PRESIDENT pro tempore. The Chair will attempt to rule on all points of order, and the decisions of the Chair, of course, are subject to appeal. The Chair hopes that the language of his rulings will not be offensive to any Senator, for such is not his intention. If it should be so considered, the Chair would be very sorry for it.

Mr. LOGAN. Mr. President, until I have completed the statement of what I have in mind I will decline to be interrupted. After I shall have finished, I shall not object to interruptions; I never object to interruptions; but I find that if I am to make any kind of connected statement it is necessary for me to decline to yield for the present.

I referred to the fact yesterday that the makers of the Constitution never had in mind any idea that it would set up autocratic powers, absolute powers, in either branch of the Government. That was furthest from the thought of the delegates to the Constitutional Convention. That is what they were against. There was never any thought that the Supreme Court should have absolute power to determine all questions that might come before it without any check or without any regulation at all. So, after the convention had proposed regulations as to the executive branch, and as to the legislative branch, it proceeded to leave entirely open the question of the number of members of the Supreme Court.

I proclaim now that the determination of the number of members of the Supreme Court has always been a congressional matter. There has never been a time in the history of the Government when it was not within the will of Congress to determine how many members there should be on the Supreme Court.

In 1789, when Congress passed the first bill referring to the Court, which was a congressional triumph, the number of members of the Court was fixed. In 1801 and at various other times it has been Congress that has had the exclusive and absolute power to determine the number of members that shall constitute the Supreme Court. Does anyone dispute that? Then, if the power has been vested in the Congress, and exclusively so, does it lie in the mouth of any man to say it is against the spirit of the Constitution or against the letter of the Constitution for the Congress to do that which the Constitution specifically allows it to do, and which power and right it has exercised for more than 150 years?

Mr. STEIWER. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Oregon?

Mr. LOGAN. I yield.

Mr. STEIWER. Do I correctly understand the Senator to say that the power of fixing the number of members of the Supreme Court is one which the Constitution specifically conferred on the Congress?

Mr. LOGAN. I certainly state that. The Senator may have a different idea of what "specifically" means. The Constitution simply provides that there shall be one Supreme Court. There was no place from which a Supreme Court could come or from which the membership could come except through the legislation of the Congress. Therefore it was specifically provided that the number of Justices was within the discretion of the Congress of the United States.

A lawyer may be an old field lawyer or an ordinary cornfield lawyer; he may never have had a case in court, but any lawyer who can even claim to be a lawyer knows that the number of Justices on the Supreme Court depends absolutely upon the will of the Congress, and it has always depended upon the will of the Congress. When some distinguished Senator says it is against the spirit of the Constitution for the Congress to do that thing which the Constitution says it should do, I should like to have him answer me.

Mr. BURKE. Mr. President, will the Senator yield to enable me to answer his question?

Mr. LOGAN. I cannot yield for an answer. The Chair has ruled that I can only yield for a question.

Mr. BURKE. I thought the Senator asked for an answer.

Mr. LOGAN. I am glad to yield, but the rule of the Senate forbids me yielding except for a question.

Mr. BURKE. I thought the Senator stated he would like to have the question answered.

Mr. LOGAN. I said that; but under the rule of the Senate whoever answers will have to answer in his own time. That seems to be the rule.

Mr. BURKE. Very well.

Mr. LOGAN. Let us pursue the matter a little further. Why was it the number of the Supreme Court Justices was left to the Congress to determine? Some say the country was growing and the members of the Convention did not know how many might be needed in the future. That is true as to Members of Congress also. The members of the Convention did not know how many Members might be needed in Congress, and yet the Constitution prescribes a rule by which the number of the Members of Congress shall be determined. Could not the Convention have done the same thing with reference to the members of the Supreme Court? If that was the only reason, it left the question open. Certainly, then, there must have been another reason.

There was another reason, and it ought to be made to ring down the corridors of time so that every American citizen may know what the Constitution meant in setting up the Supreme Court. It meant there should be no such thing as arbitrary power anywhere. It is well known that if there should be placed upon the Constitution the construction which is contended for by many Senators, the Supreme Court would have more power than any absolute monarch in all the world. Upon its whims, if such a thing should happen, would depend the rights, the liberties, and the happiness of the people of the United States. I do not

say such a time would ever come, but the men who wrote the Constitution were afraid of things like that. Thomas Jefferson himself wrote in one of his letters that the danger was in the Supreme Court.

No check was there, but they left a check, and what was it? They left it open for the Congress to determine the number of Justices of the Supreme Court, so that if a condition should ever arise, such as we have prevailing today, where the Court should stand as a bulwark against the rights and liberties of the people, then the Congress, the representatives of the people, could bring relief.

There is no other way except to provide as is provided in the pending substitute. When the Court becomes atrophied, when the minds of the members, either because of age or for any other reason, become hardened, when no new ideas can find lodgment in their brains, there is only one way to provide a remedy for a situation of that kind.

Senators talk about the proponents of the bill not being sincere; they talk about them not being in good faith. It is stated that we are simply planning an attack on the Court. I say away with such argument, because it is not true. Such statements come from the imagination of those whose imagination is distorted or else they are a little careless in what they say. I am supporting this measure because the liberties of the people, the life of the Nation, the very existence and continuance of the happiness of our citizens depends upon our acting as intelligent statesmen rather than cavilling children.

"Dragging a red herring across the trail." It is said that the bill is being pressed in order to change the opinions of the Court. I deny the statement. I deny that the Attorney General of the United States ever made such a statement any place. When he was asked the direct question if he had any assurance that the opinions of the Court would be changed, he said:

> Let me say that my position is that you are not packing the Court. It could not be packed. You cannot get men on the Court if it should be known how they would vote upon particular questions.

It is folly to talk about such a thing. I had hoped to get men on the Supreme Court Bench who had political and economic views in accord with the needs of the times, and who at least might have an opportunity to consider the great questions so vital to the life of the Nation. I had hoped that different opinions on certain questions would come from them. That is all. It is the same as I said a while ago about trying a case before a jury.

Suppose a lawyer is trying a case before a jury. Here is the court. If the court for good cause shown may allow an increase in the number of jurors, what would a good lawyer do? In this case we are the court. If a Senator as a lawyer should go into that court, he would be familiar with the law and the practice and know he could get additional jurors if he wanted them. The lawyer would see before him on the jury five or six men who he knew would be against his client because of their local prejudices or because of their predilections or other views on economic matters. If the lawyer knew they were apt to be against his client, what would he do as a good lawyer? Would he not say, "Here are the jury. I cannot get rid of them. My challenges have been exhausted." A good lawyer would ask the court to allow additional jurors. Why? So the lawyer might pack the jury? Away with such folly! A good lawyer would ask for additional jurors because he would want men who were unbiased and unprejudiced and who would try to deal justly between the two sides.

Having that view of it, I have very little patience with those who take the low ground of those who love darkness better than light. I should like to see these discussions placed on a high plane. I should like to know why it was that when Congress first established the Supreme Court it did not set up just one judge. Why was it we did not have a court of one judge? It was because Congress was afraid of the absolute power vested in the Court. It has been recognized, and is recognized today, that men of varying political views should be members of the Court; and because of that fact I believe the time has come when, in a perfectly legal, perfectly legitimate way, such a change should be made, though not for the immediate present. Nobody would want to pack the Court and get different decisions from those which have been handed down in the past few months; but for the future, for the life and liberty of the American people, we must build up protection against the absolute power of one branch of this Government which, if the construction is accepted which the opponents of this measure place upon it, has control over the other two branches of the Government, and over all the people of America.

When I was elected to the Senate I took an oath of office. That oath was that I would defend and protect the Constitution of the United States. I am standing on that oath, and I could not vote against this bill without believing that I was violating that oath. Why do I say that? Because not only did I take an oath that I would oppose acts which were unconstitutional on the part of Members of this body—that was one thing—but my oath meant that I would oppose unconstitutional action of the President of the United States, of the Congress, of the different departments; and it meant more than that—that I would oppose the unconstitutional acts of the Supreme Court itself, if it should act in an unconstitutional way. So if the Supreme Court has done as some of the witnesses appearing before us say that it has done, and if its acts have been unconstitutional, what other remedy have we?

Some persons say, "Submit a constitutional amendment." Nobody believes that. That is just talk. A constitutional amendment cannot be submitted. If that were done, the Court might change its opinion tomorrow or next day, and then it would be necessary to submit another constitutional amendment. In other words, if the Court misconstrues the Constitution, an amendment must be submitted to correct the error of the Court in the first place; and so it will be like following a cow wandering around through the forest, just wandering in and out. All of us know that there is no way to reach this question by a constitutional amendment, and it is not necessary.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. LOGAN. I yield to the Senator from Indiana.

Mr. MINTON. Does not the Senator recall that in the last campaign we had just the situation to which the Senator has alluded? The Republican platform referred to an amendment to the Constitution.

Mr. BURKE. Mr. President, I rise to a parliamentary inquiry. I understood that the Senator from Kentucky had declined to yield. When I asked a question a moment ago, he said he did not care to yield any further until he concluded his remarks. I am wondering if that is to be applied only to certain Senators.

Mr. LOGAN. Mr. President, I think I am entitled to answer that inquiry. I will say to the Senator from Nebraska that that was not the situation. I asked a question. The Senator from Nebraska wanted to answer the question. That, I said, could not be done under the rules of the Senate, but I said that the Senator could ask a question.

Mr. BURKE. The Senator from Kentucky is perfectly willing to submit to further questions from Senators?

Mr. LOGAN. Oh, yes!

Mr. BURKE. I thought the Senator declined to yield.

Mr. LOGAN. Oh, no. I am willing to yield for questions.

The PRESIDING OFFICER (Mr. THOMAS of Utah in the chair). Does the Senator from Kentucky yield to the Senator from Indiana?

Mr. LOGAN. I yield.

Mr. MINTON. As I was saying before I was interrupted, the Senator recalls, does he not, that in the last campaign the Republican Party, I believe in its platform—at least as amended by its candidate, Mr. Landon—came out for an amendment to the Constitution in order that we might have minimum-wage legislation?

Mr. LOGAN. Yes.

Mr. MINTON. Then, shortly after the election, a few months thereafter, the Supreme Court changed its mind, and, without any amendment to the Constitution, we found that we could have minimum-wage legislation. So we might have been in the ridiculous situation, might we not, of proposing an amendment to the Constitution which was not necessary?

Mr. LOGAN. That is very true. I have always thought that if we could get Members of the Congress to go into this question earnestly and sincerely, with the consequences of any determination thoroughly considered, there could be no opposition to this proposal. I myself have no interest in the matter one way or the other. I do think, however, that something must be done.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. LOGAN. I yield to the Senator from Louisiana.

Mr. OVERTON. Does this measure proceed upon the theory that judges who have attained certain ages are incapacitated, either in whole or in part, from properly discharging the duties of their office?

Mr. LOGAN. I should say that it does; and let me say to the Senator that it has been suggested that we should have a constitutional amendment providing for compulsory retirement at 75. That, I believe, most Senators favor.

Mr. OVERTON. That is the question I was about to ask the Senator.

Mr. LOGAN. Let me call attention, however, to the fact that the measure we are now considering is the only plan whereby the services of judges who are doing great work can be retained. I think Chief Justice Hughes is a great Judge. He has written just recently some things that will live as long as those written by Marshall. He did that in the Minnesota moratorium case. Somebody—I believe it was Mr. Justice Roberts, however—did the same thing in the Nebbia case, the New York Milk case. The Court has gone back to the principles announced by Marshall, and I think it is great. Under this measure, a member of the Court does not have to retire. He may still go on and render very valuable service; but if there is a member of the Court who has become—I cannot remember the name by which Mr. Justice McReynolds called such men—if he has reached the point where he can do nothing, this measure provides for the appointment of a live, young, vigorous judge, or at least he may not be so young but one who can carry his part of the load.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. LOGAN. As soon as I finish yielding to the Senator from Louisiana.

Mr. WHEELER. Pardon me.

Mr. OVERTON. What the Senator says is very true; but may I ask one or two more questions? I am asking for information.

Mr. LOGAN. Yes.

Mr. OVERTON. I know the Senator has given a great deal of thought to this measure, and has taken part in its preparation. If, however, a judge who attains a certain age is incapacitated on account of his age from thinking clearly and deciding wisely, and that judge remains upon the bench, and an additional judge is appointed in his place, the incapacitated judge has just as much of a vote on a decision as has the younger and the more vigorous and the more capable and more clear-thinking judge. Is not that true?

Mr. LOGAN. That is true.

Mr. OVERTON. Therefore, as I understand, if this measure proceeds, as it does, upon the theory that when men attain certain ages they are incapacitated from properly discharging the duties of their office, either in whole or in part, the question could be submitted to the people by a constitutional amendment; could it not?

Mr. LOGAN. It could.

Mr. OVERTON. I understood the Senator, however, to say that this question could not be solved by a constitutional amendment. What I desire to know is whether or not a constitutional amendment could be submitted which would modify the existing rule in the Constitution that judges shall hold office during good behavior, and would prescribe that they shall hold office during good behavior and until they arrive at a certain age.

Mr. LOGAN. I will say to the Senator from Louisiana that I have thought a good deal about that matter. I believe legislation should be for the average and not for the exception. If we had done that—and I believe everyone will agree that some law like that would be a splendid thing—we should have lost the assistance and the help and the wisdom of some very great Judges who have sat upon the Supreme Bench.

Ordinarily, I should say that when a man reaches the age of 75 years he is incapacitated. I should say that three-fourths of them are. All of us know that that is true. If we will look around among our acquaintances and find men past 75 years of age, we shall find that that is true. A constitutional amendment to that effect, however, would get rid of some whom, perhaps, we ought not to get rid of. This plan will retain those men. We do have on the bench some men that, perhaps, we would not get rid of. The only way the Constitution has left for us to handle the matter is to neutralize the effect of their votes by putting on some men who do know "what it is all about."

Mr. OVERTON. The question I wanted to propound to the Senator was this: As I understood his statement, he thought the problem could not be solved by a constitutional amendment?

Mr. LOGAN. I was talking about a different thing.

Mr. OVERTON. I desired to get the Senator's view as to whether it could not, perhaps, be better settled by a constitutional amendment, because by amending the Constitution the people could say that a judge incapacitated on account of age should be compelled to retire from the bench; but under this measure as drawn, the incapacitated judge—assuming that he is incapacitated on account of age—remains upon the bench, and we do not get rid of him.

Mr. LOGAN. I see what the Senator is driving at. When I was referring to our inability to reach this question by a constitutional amendment, I was referring to the broader aspect of the matter—that we could not adopt constitutional amendments to meet the peculiar decisions of the Supreme Court every time it changed its mind. I agree very readily with the Senator's statement; and we can see into what narrow compass this measure is compressed, and how moderate this whole thing is, if we consider that suggestion for just a moment.

Suppose we pass this bill. I have heard it stated by distinguished Senators that a proposal by constitutional amendment to bring about compulsory retirement at 75 would be promptly ratified by State legislatures or by conventions if it should be submitted. Suppose we pass this bill and submit a constitutional amendment to that effect. Suppose that should be done, and the constitutional amendment should be ratified next year. Then we should have this bill in operation for only 1 year. If, however, the constitutional amendment were not ratified, then we should have something permanent in the way of relief to the Court.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. LOGAN. Yes; I yield.

Mr. WHEELER. I desire to say to the Senator that no question I have asked of him thus far has been for the purpose of filibustering, or anything of that kind.

Mr. LOGAN. I think that is true.

Mr. WHEELER. If I may be permitted to make the statement, I have felt in the discussion with the Senator that a great many of these questions could be worked out on the floor of the Senate, and I thought it would be beneficial to both sides if it could be done without trying to take advantage of anyone. But I desire to ask the Senator if he agrees with me that we could submit a constitutional amendment, and that we could not only have it ratified by conventions, but that under the Constitution we could specify the time within which ratification should be made?

Mr. LOGAN. My opinion is that we could. Many able lawyers disagree as to that; but my opinion is that the Congress of the United States could determine the time limit within which the conventions should meet.

Mr. WHEELER. Is the Senator familiar with the language that was used—I have forgotten the case now—by Mr. Justice Van Devanter, in which he held, as I recall, not only that Congress could specify that ratification should be made by conventions, but that Congress could specify the time within which ratification should occur, and that Congress could, as a matter of fact, set up the electoral machinery?

Mr. LOGAN. I am not familiar with that.

Mr. WHEELER. Is the Senator familiar with the opinion of Attorney General Palmer, a Democratic Attorney General, who laid down that very doctrine?

Mr. LOGAN. I am familiar with that.

Mr. WHEELER. So, as a matter of fact, we could specify in the constitutional amendment that it should be ratified by conventions, and we could specify that such conventions would have to be held within 6 months or 1 year, if we desired to do that?

Mr. LOGAN. I think that is true.

Mr. WHEELER. I desire to ask one more question while I am on my feet. As I understood the Senator, he stated the purpose was to put men on the bench to take the places of those over 75 because he felt that 75 percent of the men over 75 years of age were incapacitated.

Mr. LOGAN. To a certain extent.

Mr. WHEELER. If this should be done as to members on the bench of the Supreme Court, why should we not provide by law or have a constitutional amendment providing that the same rule should apply to Members of the Senate or to Members of the House of Representatives?

Mr. LOGAN. The difference is that the members of the Supreme Court are appointed for life while the Members of Congress are elected by the people, and when the people desire to retire a Member of Congress, as they often do—and there are very few here after they are 75 years of age—the people can retire them whenever they so desire. They cannot do that with the Supreme Court. That is the difference.

Mr. WHEELER. Will the Senator permit me to ask another question?

Mr. LOGAN. I yield.

Mr. WHEELER. If the Senator thinks that 75 is the proper age, why does he draw the line at 75? Why not draw it at 65?

Mr. LOGAN. Because my observation and what little knowledge I have on this subject indicate that men rarely begin to fail, or not many of them, at least, before they are 70. After they are 70 they begin to fail very rapidly both physically and mentally. There are many outstanding exceptions; but there are very few Gladstones; there are very few men who have been active and virile after reaching 80 years of age. There are few like Justice Holmes; but there are some. Throughout the world, I believe, in business, and in government where government is administered by the merit system, it is recognized everywhere that there should be an age limit. As to whether it should be 75, or 70, or 80, I do not know, but my deliberate judgment is that 70 is the best time.

Mr. WHEELER. If 70 is the best time, and men deteriorate after they are 70, would the Senator feel that a man should be appointed to the Supreme Bench when he is 74, as the President could appoint one when he was 74 under the bill? He has appointed a man who is 69 years of age to the circuit court of appeals, I understand.

Mr. LOGAN. I can answer that. There are cases where there are men of outstanding ability, although old, who have already stood the test. When a young man is appointed we take a chance on what he is going to be when he is 75, but when a man has already reached the age of 70 and is going well—when, like Moses, his eyesight is not impaired, and stands up straight, and could go on a long time by reason of great ability—the President might be justified in appointing such a man, even if he were 75 or 80 years of age.

Mr. WHEELER. He might be justified in appointing a man 74 years of age notwithstanding the fact that he would have to retire, under the Senator's bill, when he was 75, and he could get full pay afterward?

Mr. LOGAN. May I ask the Senator why he says he would have to retire under my bill at 75?

Mr. WHEELER. I stand corrected on that; he would not have to retire; but I am presuming that if someone were appointed when a sitting judge was 75, the sitting judge would retire. I would think that would be the natural course of events. The Senator disagrees with me with reference to the purposes of the bill. I want to say to the Senator in all sincerity that I am not seeing bogey men when I say that the purpose is to force men off the bench; I am simply giving the Senator the opinions of people close to the administration who have talked with me and who have stated such to be the case.

Mr. LOGAN. I did not know about that. But let me answer just briefly; then I want to discuss the report which was submitted by the committee; I have some remarks to make about that. When the bill was sent to the Congress by the President, I had never heard of it; I did not know that any such thing was in contemplation. Immediately thereafter, and before there was any discussion about it, I dictated the draft of a substitute, to see if I could do better than the original bill, because I did not like the original bill, which did not reach the point I thought should be reached.

Through the long discussion I found opinions of a number of men who had been giving much thought to the question. The Senator from New Mexico [Mr. HATCH] had done much work on it, and his idea was to appoint additional judges gradually, after the incumbents reached the age of 70. The Senator from Kansas [Mr. MCGILL] thought the age ought to be 75, and that the Court should go back to nine in number upon the happening of certain events. Then the junior Senator from Nevada [Mr. MCCARRAN] had a flat proposal at first to fix the number of members of the Court at 11 and to throw everything else overboard. I rather favored that. I think I would like that better than the measure before us today. But from the suggestions of all these Senators we worked out the pending bill, and it is the best bill that can be worked out under all the circumstances. It certainly can do no harm to anyone. It merely maintains the integrity of the Court, as was said in the President's message, by the infusion of new blood. The old bill, the first bill, did not provide for the continuous infusion of new blood down through the ages.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. OVERTON. Why the distinction between the Supreme Court judges and judges of inferior courts?

Mr. LOGAN. A distinction was made upon the suggestion that the judges of the inferior courts had a heavier burden to carry, and that they grow to feel the weight of the years upon them sooner than do the Justices of the Supreme Court. I myself have no particular reason to offer why the age limit should be 70 in the one case and 75 in the other, but that was the suggestion which led to its being placed at 70 instead of 75.

Mr. OVERTON. Is it based entirely on a conception of incapacity in both cases, or has it some other purpose?

Mr. LOGAN. In the broad way I would define "incapacity", I should say that it was based in both cases on incapacity, in my judgment. I do not know what the other Senators think.

Mr. BARKLEY. Mr. President, will my colleague yield?

Mr. LOGAN. I yield.

Mr. BARKLEY. While the law itself fixes no age limit, is it not true that for many years there has been recognized by the Department of Justice and by the President an age limit in the appointment of judges of the inferior courts which is lower, on the average, than the age limit which has applied to

the Justices of the Supreme Court, and that in all likelihood the judges of the inferior courts will have served longer at the average age of 70 than the judges on the Supreme Court will have served at the average age of 75?

Mr. LOGAN. That is very true. I have been told by the Department of Justice a number of times, when I wanted someone appointed over 60 years of age, that the age limit was 60; but that has never been adhered to in the appointment of circuit judges or Justices of the Supreme Court.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. BURKE. Before asking the question I desire to propound, in reference to the point made by the Senator's colleague, the senior Senator from Kentucky [Mr. BARKLEY] does the Senator happen to know the average age of all judicial appointments made since the 4th of March 1933, which, of course, would not include any Members of the Supreme Court, but only judges on the inferior courts?

Mr. LOGAN. I do not believe I do. I think perhaps the ages of all of them have been stated in the report made by the committee.

Mr. BURKE. Would the Senator be interested in knowing that the average age of all appointments to the inferior Federal courts since the 4th of March 1933 has been well in excess of the average age in any other like period in the history of this country, and that there was no relation to the age of 60, which was mentioned a moment ago?

Mr. LOGAN. I did not know it had no relation to the age of 60, but I can see perhaps why the age would be higher. The Democrats had been ranging around in the old fields so long that they had grown old before they had a chance to get appointments. I think that may be the reason why they were older when appointments were made than in previous periods.

Mr. BURKE. If the Senator would yield, I should like to propound the question I had in mind.

Mr. LOGAN. I yield.

Mr. BURKE. The Senator is going to discuss the report. There are some questions in connection with the compromise amendment, of which the Senator, I understand, is one of the chief authors, which we would like at some time to have cleared up. I am perfectly willing to have that done later. Is the Senator going to discuss some features of the measure later on?

Mr. LOGAN. I think I will do that at a later date. As I understand from the ruling of the Chair, I may make two speeches on this subject, and the one I am now delivering will be just one. I think I will make another later explaining the bill. I want to go through the report and call attention to some of the ludicrous things, some of the amusing things, and some of the tragic things to be found in it.

Mr. BURKE. If the Senator will yield, let me ask if he does not find all his time and strength today taken up in discussing the report, will he possibly still later in this speech permit the propounding of some questions with reference to details of the compromise bill?

Mr. LOGAN. Yes; I will be very glad to do so.

Mr. BURKE. Very well.

Mr. LOGAN. Mr. President, this report made by a majority of the Judiciary Committee is, as I have said before, a strange document, indeed. The members making the report disclaim any attempt to discredit the President or his administration; and yet we have here a report made by seven Democrats and, I believe, three Republicans, who had considered a proposal made by the President of the United States himself. Instead of disagreeing with him, instead of conceding that he was honest and desired to do what was for the best interests of the country, as even Republicans are willing to concede, the writers of the report proceeded at once to say things about the President's proposal—and it was not my proposal; it was the President's proposal—which would justify impeachment if the things which were said were true. It was so violent that it was accepted by the country and seized upon by the enemies of the administration and of the President to be used as a campaign document. It was seized upon by the newspapers and magazines as showing how bad the President is; and I believe few of us have any idea how the President is hated by certain people in this country.

When the authors of the report were doing those things to their own President in a report written more bitterly than the opposite party ever wrote about any President when they were making a report, they could find no word to say in his behalf, but they could go out of their way to make a great defense of Ulysses S. Grant, who was President during the most corrupt administration that has ever been had in this great Nation of ours. They found time to charge President Roosevelt with packing the Supreme Court at a time when people were charging him with attempting to destroy liberty, religious liberty, civil liberty, to destroy the Government, to set up a dictatorship; but they defended President Grant and said, "No; he did not pack the Court." They said that he actually sent two names to the Senate for confirmation before the decision in the Legal Tender cases was handed down, one of which was rejected, and the other nominee died 4 days afterward, and that President Grant really did not make the appointments until the very day the decision was handed down.

President Grant did everything he could to get them upon the bench, but the Senate prevented it in one instance and death prevented it in the other instance. But President Grant, seeing——

Mr. CONNALLY. Mr. President——

Mr. LOGAN. Just a minute. President Grant, however, seeing that the very life of the Nation was at stake, did appoint two men to the bench who he had every reason to believe would reverse an opinion that had been rendered by the Court a short while before.

I now yield to the Senator from Texas.

Mr. CONNALLY. Mr. President, does the Senator from Kentucky regard the Grant incident—the Legal Tender cases and the appointment of judges at that time—as a precedent for what is proposed in this bill?

Mr. LOGAN. Everything is a precedent for what is proposed in this bill which relates to fixing the number of Justices of the Supreme Court. We can go a step further. If I had the opinion of the President of the United States which some of my colleagues have—that he is urging the passage of this legislation for the purpose, and the whole purpose, of having a subservient Court which would yield to his orders and his dictates and his wishes—I should say that there never has been a precedent for it. But that is mere imagination in the minds of those who have made this issue, because there is nothing in the pending bill which would justify placing such a construction upon it.

Mr. CONNALLY. Mr. President, will the Senator yield for a question—not a speech? I am not trying to harass him.

Mr. LOGAN. No one can harass me. I passed that stage a long time ago.

Mr. CONNALLY. The Senator brought up the Grant incident. What the Senator from Texas is trying to ascertain is, Does the Senator from Kentucky regard what happened with regard to Grant's appointment of those two Justices as a precedent for what is proposed in this bill?

Mr. LOGAN. I have never sought for a precedent. All I have to look for is the Constitution itself, and the method it provides for doing this very thing when it is necessary for Congress to fix the number of Justices on the Supreme Court.

Mr. CONNALLY. But the Senator, if I understood him correctly, was criticizing the majority of the Judiciary Committee for saying that the Grant episode was not a precedent. So, if it was not, what purpose has the Senator in citing it?

Mr. LOGAN. The Senator from Texas happens to be one of the members of the Judiciary Committee who signed the report. I have been hoping and believing right along that the Senator had given the report very careless consideration or casual consideration, or else he never would

have signed it. I am grieved to see the name of so noble and splendid a statesman as the Senator from Texas on a paper like that. I can say the same thing about the others who signed it, though. They must have been dreaming. They must have had nightmares. There must have been something wrong with their livers, or else they never would have signed their names to such a document as that.

Mr. CONNALLY. There may have been something wrong with our livers, but there was nothing wrong with our heads.

Mr. LOGAN. There is nothing wrong now, but there was something wrong then.

Mr. GILLETTE. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. GILLETTE. I am sincerely seeking information. I listened to the Senator's speech yesterday, and to his rather critical reference to those who were opposing the President's plan. He mentioned the fact that it was the President's proposal, not that of the Senator from Kentucky [Mr. LOGAN], or the Senator from Arizona [Mr. ASHURST]; and he further used this language:

If something must be done about the Supreme Court, what plan do we prefer to follow, that of the President or some other and different plan?

Does the Senator still adhere to that statement today?

Mr. LOGAN. Yes; in a measure. I adhere to that statement—that I would prefer to accept the judgment of Franklin D. Roosevelt, the friend of the people, rather than the judgment of more distinguished lawyers, perhaps, who are not the friends of the people.

Mr. GILLETTE. Mr. President, will the Senator yield further for a question?

Mr. LOGAN. I yield.

Mr. GILLETTE. Is not the Senator now speaking, and did he not speak yesterday, very cogently and powerfully to a substitute, of which he is a coauthor, for the original proposal?

Mr. LOGAN. That is true.

Mr. GILLETTE. Then it is not the President's plan for which the Senator stands, but a substitute of which he is coauthor.

Mr. LOGAN. Let me make myself clear. I am not for the President's plan. I am standing for the proposed substitute which I introduced, after it had been prepared by some other Senators and myself; but the report which I am going to discuss is on the original bill. It is not on the substitute at all.

Let me say that I believe the opponents of the original bill everywhere said that its purpose was to pack the Court so that the administration could get decisions in conformity with the President's policies. I know I have heard the Senator from Nebraska [Mr. BURKE], and perhaps the Senator from Texas [Mr. CONNALLY], and some other Senators, make that statement. That is their conception of the purposes of the bill. What do they say in the report? They enumerate their points:

I. The bill does not accomplish any one of the objectives for which it was originally offered.

So they say that it does not do what they thought it was going to do; that it will not pack the Court; that it will not achieve the objectives which had been expressed as its purposes.

Mr. BURKE. Mr. President, will the Senator yield at that point?

Mr. LOGAN. I yield.

Mr. BURKE. Of course, the Senator must realize that when the report states that the bill would not accomplish any of its objectives the report is referring to the objectives put forward by the proponents of the bill; and packing the Court was not mentioned by the proponents as one of the objectives toward which they were driving.

Mr. LOGAN. The Senator ought not to place himself in a position where he has to make an explanation. What is written is written.

> The moving finger writes; and having writ,
> Moves on; nor all your piety nor wit
> Shall lure it back to cancel half a line.

So the report is written, and it is here. I am going to call attention to some of the things that are in it. I am now just mentioning the main points:

II. It applies force to the judiciary, and in its initial and ultimate effect would undermine the independence of the courts.

I say that when the authors of the report made the charge against the President of the United States that he sought to apply force to the judiciary, they made it without its being based on any statements by the President or anyone else. It simply was grabbed out of the thin air that an effort was being made to make the Court subservient; that an effort was being made to disturb the independence of the Court. I cannot conceive that anyone believes anything like that.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. WHEELER. Does not the Senator think he is putting a forced construction upon the statement in the report when he says it means that the President of the United States wanted to use force, or that he wanted to do the things the Senator mentioned? Does he not think that paragraph is a discussion of the bill and not of the President of the United States?

Mr. LOGAN. I might have thought so had it not been that it was the President's bill and the President's suggestion. The majority of the committee made derogatory references to the President, but never gave a single expression that they believed in his integrity or in his honesty; never an expression that they had any faith or confidence in him. They started out with an attack on him, and that attack was maintained until the last line of the report had been written; and the statements in the report are charges, not against the measure, but against the President of the United States. If they are not charges against the President, the members of the committee should have said so.

Mr. WHEELER. Mr. President, will the Senator yield again?

Mr. LOGAN. I yield.

Mr. WHEELER. When the public utilities bill was before the Senate for consideration, it was a bill which was drafted by the administration. That was the President's bill, was it not?

Mr. LOGAN. I think so.

Mr. WHEELER. Some Senators who are supporting the present Court measure made statements in discussing that bill on the floor. They denounced the utilities bill in language which certainly they would not have used against the President of the United States. I did not think their denunciation was a reflection upon the President. Did the Senator from Kentucky think it was?

Mr. LOGAN. I do not think any parallel is to be found between the two cases. That was not a case where the President had control of the operation under the act, nor did it involve the President, except in the matter of the appointment of a board.

I make the statement now, so that we all may have it clearly before us, that the whole issue that is brought forward revolves around the integrity of the President of the United States. There can be no one who can oppose the suggestion on any other ground because there can be no packing of the Court, there can be no subservience of the Court, there can be no control of the Court by force or otherwise, unless it be applied by the President of the United States, and those who take the position expressed in the report say that the President of the United States will do those things; that he has asked for the power, and he wants to do them. I cannot read anything else into it.

Mr. WHEELER and Mr. O'MAHONEY addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Kentucky yield; and if so, to whom?

Mr. LOGAN. I yield first to the Senator from Montana.

Mr. WHEELER. Does not the Senator know that pieces of legislation of this kind are drafted by some department of the Government, that the President of the United States cannot possibly know all of the things contained in them, and that he cannot possibly be responsible for all the things in the proposed legislation?

Mr. LOGAN. I think that may be true; I do not know it to be so; but I believe in a matter so important as this, which has been denominated as being more important than anything that has happened in many years—for myself I regard it now as of no great consequence—that no department or anyone else would write a bill proposing an increase of the Supreme Court from 9 members to 15, if it were at the suggestion of the President, without knowing what the President wanted him to do.

Mr. WHEELER. The Senator spoke yesterday about Members who were opposed to the bill as seeking to destroy the President, and how this bill was being used by his opponents throughout the country. By standing here on the floor of the Senate and saying that men such as the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Nevada [Mr. MCCARRAN], the Senator from Texas [Mr. CONNALLY] and men of that type subscribe to the report for the purpose of injuring the President, does he not think that he himself is putting words into the mouths of these Senators that they did not intend to use, but which the opponents of the President will use in the campaign and say, "This is what the Senator from Kentucky said that these men meant?"

Mr. LOGAN. Oh, no; it will not get to that point. Here is a report they wrote and signed, and I am only trying to quote from that report itself. I am putting no words in the mouth of anyone. I am perfectly willing when they say it was not their purpose to assail the President or the administration to accept their word for it, but sometimes men do things without fully understanding the consequences. That may be happening in this instance.

Mr. O'MAHONEY. Mr. President, will the Senator yield to me?

Mr. LOGAN. I yield to the Senator.

Mr. O'MAHONEY. Then, may I ask the Senator from Kentucky if there was any limitation in the bill, which has now been abandoned by the Senator from Kentucky and his associates, which would have confined its operation to the administration of the present President of the United States?

Mr. LOGAN. The Senator refers to the original bill?

Mr. O'MAHONEY. I refer to the original bill, the abandoned bill.

Mr. LOGAN. As I recall, it proposed an increase to 15 members at that time, and the fact was developed at that time that the Court should be permanent.

Mr. O'MAHONEY. But the bill, if enacted, was to be operative throughout all time until repealed, so long as the condition named in the bill remained in existence?

Mr. LOGAN. I think so.

Mr. O'MAHONEY. The Senator was one of the sponsors of the bill. Does he not know so?

Mr. LOGAN. Do not accuse me of anything you cannot back up. I was not one of the sponsors of the bill.

Mr. O'MAHONEY. Well, does the Senator agree, then, that it was not limited to the present administration?

Mr. LOGAN. I do not know without reading it again. I have been working on another bill, and I have not tried to keep up with the other one. [Laughter.]

Mr. O'MAHONEY. Then, Mr. President, will the Senator be good enough to explain the second bill to the Senate?

Mr. LOGAN. I may at some time, but I believe the Senator can read, at least, fairly well. The bill has been printed; it has been placed on the desk of every Senator. As I had a good part in preparing the language, perhaps more of the language is mine than any of the thought. I believe it is in simple language. I do not have any desire to start a school of instruction, but if any Senator thinks he does not understand it, while I will not take the time to explain it to the whole Senate, if he will come to my office, or I will go down to his, I will go over it with him and tell him exactly what it means.

Mr. O'MAHONEY. Would the Senator be good enough to explain it to the country? Senators may understand it, but perhaps the country does not. The country does not have an opportunity, as we have, to read the bill or to listen to the Senator.

Mr. LOGAN. In answer to the Senator from Wyoming, let me say that I would not want to undertake that task, and I will tell the Senate why: In attempting to explain the measure to the country you go up against something that is insurmountable. If you listen to the wails of ignorance, of malice, and of hate that come to your office daily by reason of misinformation that has been sent out about this bill, and will be sent out about the substitute, you know how impossible it is to reach the people. You cannot see them all; you cannot talk to them all; every single vehicle that carries news to the public is poisoned against this bill, and the effort is made to poison the mind of the public against every man who sponsors it. It is an effort to control the Congress of the United States by fear. It is an effort on the part of those who have done as they pleased with the Government for many, many years to poison the minds of the people. So when you send it out it will never get to the people. You can explain it, but the explanation will never get to the people.

Mr. O'MAHONEY. Mr. President, will the Senator yield for a question?

Mr. LOGAN. I yield.

Mr. O'MAHONEY. May I direct the attention of the Senator to line 8, on page 1, of the substitute which he presented to the Senate for the abandoned bill, and ask him whether or not he is willing, as the Senator from New Mexico [Mr. HATCH] is willing, to substitute the word "shall" for the word "may"?

Mr. LOGAN. Mr. President, I shall not yield for that purpose. For 2 days I have been trying to read some extracts from the report submitted to the Senate, and every time I get hold of that report and look at it some member of the committee who participated in the report wants me to talk about something else. I do not blame him. [Laughter.] I am now going to try——

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. LOGAN. I yield for a question.

Mr. O'MAHONEY. I ask the Senator if he will join with me now in asking unanimous consent that the report which he is attacking may be printed at large in the RECORD, so that the country may have the report along with his speech?

Mr. LOGAN. No; I am not agreeing at this time to put anything in the RECORD. The Senator can do that any time he wants to. There is not much occasion for one to lose his head about things. I imagine it has already been placed in the RECORD. If not, if you will go—if you can find him now; he is in retirement—to the secretary or the president—I do not know which—of the Liberty League, you can send out a million copies of it to the public and you can get them there, because your report is very popular in some sections of the country.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. WHEELER. The Senator made a statement a moment ago to the effect that all sources of information to the public were poisoned against this bill.

Mr. LOGAN. I think that is true.

Mr. WHEELER. Does the Senator think that the boys in the press gallery are all poisoned against this bill?

Mr. LOGAN. Oh, no; I do not think that at all.

Mr. WHEELER. Or are sending out "hate" stories with reference to it?

Mr. LOGAN. I do not say that. I think most of them are for it, but they do not own the newspapers; they are working for them.

Mr. BURKE. Mr. President, will the Senator yield to a question in reference to the report?

Mr. LOGAN. I yield.

Mr. BURKE. I sympathize with the Senator's desire to proceed to the consideration of the report; and, as I understand, the first criticism upon which the Senator elaborated was that the report contains a defense of President Ulysses S. Grant, while he finds in it no defense of the present occupant of the White House. My question is, If the members of the committee who signed the report felt that the charge of adding two members to the Supreme Court in Grant's time for the alleged purpose of influencing decisions of the Court would constitute so serious a blot upon the record of that President that we ought to go to the full extent we could to defend him from that charge, is not the Senator willing to give to the members who signed the report credit, rather than blame, for trying to point out the hideousness of the present bill, so that it may never be enacted into law, and so that no future committee of Congress may ever be called upon to make the defense which committee make of President Grant?

Mr. LOGAN. That is rather a long question, Mr. President, but I am going to answer it. The committee has attempted to take from President Grant about the only thing he ever did that was of real service to the country. He did pack the Supreme Court, and he got a good decision by reason of packing it. I think perhaps he saved the Nation. Now they are trying to deny that he did that.

The next point I would call attention to—and these are the reasons why the committee think the bill ought to be reported adversely—is:

III. It violates all precedents in the history of our Government and would in itself be a dangerous precedent for the future.

Is not that fine? Here is something authorized by the Constitution itself, which at the very beginning of our Government was pointed out by the makers of the Constitution, conferring upon Congress the power always to determine the number of Justices who should constitute the Supreme Court. That comes from the Constitution and has been exercised since the first bill in which the Court was referred to in 1789. Such power has always belonged to Congress. Yet now it is said that this would be a precedent and a dangerous precedent. In other words, Senators, the committee says it is a dangerous thing to trust the Congress with the power clearly vested in it by the Constitution itself, and if it exercises any such power it would be a dangerous precedent for the future. In the report that is one of the reasons given in opposition to the bill.

The next one is—

IV. The theory of the bill—

Why talk about the theory of the bill? It is the bill we are considering. It is not a theory. It is an actuality.

The theory of the bill is in direct violation of the spirit of the American Constitution.

I said yesterday there are spooks all around those Senators who object to the bill. It is not the actuality of the Constitution, but it is the ghost of the Constitution they are talking about. There is no such thing as the spirit of the Constitution except it impliedly comes from the written words of the Constitution. That is what might be denominated by those not members of the Senate as "pure flapdoodle."

The fourth reason continues:

Its employment would permit alteration of the Constitution without the people's consent or approval.

Why should anyone make a statement like that? Why should anyone say to the American people that the enactment of the bill into law would bring about an alteration of the Constitution, when those who can read and who are willing to read will find that the power to fix the number of Justices of the Supreme Court has always resided in the Congress? It has never been anywhere else, and I hope it never may be anywhere else.

Mr. BURKE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Nebraska?

Mr. LOGAN. I yield for a question.

Mr. BURKE. Of course, the Senator must understand that in making that statement it has no reference to amending the Constitution.

Mr. MINTON. Mr. President, I make the point of order that the Senator from Nebraska is not asking a question.

The PRESIDING OFFICER. The Senator from Kentucky may yield only for a question.

Mr. BURKE. I am attempting to propound a question in my own way.

Mr. MINTON. It is a devious way.

Mr. LOGAN. I yield to the Senator from Nebraska.

Mr. BURKE. Does not the Senator realize that what those who drafted the report had in mind in the statement made was that it is a method adopted of giving a different construction to the provisions of the Constitution by adding members to the Supreme Court, and not that in that paragraph those who drafted the report were saying it is necessary to amend the Constitution in order to increase the size of the Court if more members are needed to do the work of the Court?

Mr. LOGAN. Perhaps that is what the committee had in mind. I cannot follow the minds of the committee, but I do know the bill provided only one thing, and the thing it provides is authorized in the Constitution. The committee says it would be amending the Constitution without submitting the question to the people if the bill should be enacted into law. I do not know that the committee had in mind that the Court some time in the future might change its ruling on some constitutional question and thereby, as they apparently believe the Constitution is what the Court says it is, the Constitution would be changed.

Mr. WHEELER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Montana?

Mr. LOGAN. I yield.

Mr. WHEELER. Is not that what the Senator has contended was the purpose of increasing the Supreme Court—to get a change of opinion?

Mr. LOGAN. Oh, no. I say that the hope is there.

Mr. WHEELER. Oh, the hope?

Mr. LOGAN. The hope only, because no one can know what a man will do when appointed a Justice of the Supreme Court. No one has ever been able to foretell what would happen. I hope, and I am expressing only my personal opinion, that if men are appointed with a broad understanding of the questions confronting the country today, with a broad understanding of the needs of the country, we will get—well, opinions different from some we have had. There is an interim of a few months when I do not believe anybody would like to change those opinions. The Court itself changed them.

Mr. WHEELER. It changed one of them.

Mr. LOGAN. It changed the Constitution.

Mr. WHEELER. It changed its ruling in one case.

Mr. LOGAN. I thought it changed its rulings in several cases. It just changed the Constitution.

Mr. WHEELER. I do not agree with the Senator that it changed the Constitution. It did reverse itself in one case. The Senator will admit and agree with me, will he not, that the purpose of putting additional men on the Supreme Court is to have decisions rendered which he thinks will meet the needs of the time?

Mr. LOGAN. No. The purpose is to get a court that will give prior consideration to the questions confronting the country as they relate to the Constitution, because I do not believe they can have a prior consideration before the Court as it has heretofore been constituted.

Mr. WHEELER. Does not the Senator think the Supreme Court gave fair consideration to the question of the N. R. A., and to that case, and that they properly held in the Schechter case that the act was unconstitutional?

Mr. LOGAN. So far as it held it was an improper delegation of authority, I think so.

Mr. WHEELER. Does the Senator agree with the Supreme Court ruling in the Schechter case?

Mr. LOGAN. Yes; in the main.

Mr. WHEELER. The Senator is not complaining about that ruling, is he?

Mr. LOGAN. Oh, no.

Mr. WHEELER. With reference to other decisions, however, the Senator feels that the Court has interpreted the Constitution differently from the way it did in the——

Mr. LOGAN. In the A. A. A. case, for instance.

Mr. WHEELER. Yes; and consequently the Senator wants to put someone on the Court who will overrule the previous A. A. A. ruling?

Mr. LOGAN. No. I want someone put on there who can weigh the question with a fair and unbiased mind, and then I will know and the people will know that we have had prior consideration and there will be a decision that can be respected. But how can we respect a decision rendered by the vote of a judge who believes that all legislation designed to help farmers, to help labor, to help the people who need help, those who have no helper, comes from the devil himself? I cannot respect a decision in a case where such a Justice votes in deciding the case adversely to the rights of the people.

Mr. WHEELER. That is the real purpose of the bill as the Senator sees it, is it not?

Mr. LOGAN. Yes.

Mr. WHEELER. As a matter of fact, the age question which is inserted in the bill has not anything to do with the real question involved except that the Senator finds some members of the Court who have decided against his viewpoint are over 75 years of age?

Mr. LOGAN. No; that is not the reason. I will say that I think there are men under 60 and really some under 50 who have no business on the bench, and there should be some way of getting them off the bench. I think age has something to do with it. It does not always have something to do with it. If I were President of the United States and had the appointment of some one to the bench, I should not hesitate to appoint the distinguished senior Senator from Idaho [Mr. BORAH], although it is said he is past 70 years of age. I do not know whether he is or not. In his case I would regard 1 year of service or 2 years of service—and he seems to be good for that length of service—as worth all it might cost the Government.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Idaho?

Mr. LOGAN. Certainly.

Mr. BORAH. Other Senators may quarrel with the Senator from Kentucky, but not I! [Laughter.]

Mr. LOGAN. On the other hand, there are others not past 60 who are senile in body and senile in mind. So, we do have to have a limit somewhere, and we put it at 75 years of age simply because we hoped—yes, we sincerely hoped—we might be able to get the support of some of those Senators who feel that we are trying to pack the Court. We wanted to show them we were not trying to pack the Court; so not only did we raise the age limit to 75, but we provided that not more than one additional Justice might be appointed in any calendar year.

Mr. President, I desire to call attention now to the next thing in the report. I want to abide by the rule and I want members of the committee to know that it is the rule of the Senate and not myself that objects to their making an explanation as I proceed. I did not write the rule.

The next "argument" in the report is as follows:

V. It tends to centralize the Federal district judiciary by the power of assigning judges from one district to another at will.

How could we centralize Federal justices by allowing the Chief Justice of the Supreme Court to send a man from Florida to California or to New York? It seems to me it would be a diffusion instead of a centralization.

The point has nothing in it, however, in a great document such as this; and, besides that, upon an investigation of the provision relating to the transfer of judges, I reached the conclusion that the present law, the one that we now have, is as good as anything that could be proposed. So the bill continues that which now is the law, and has been the law for years, and under which the Supreme Court is operating. That shows that the authors of the report were a little reckless, I think.

Mr. WHEELER. Mr. President——

Mr. LOGAN. I yield to the Senator from Montana.

Mr. WHEELER. This measure goes further than the present law, does it not?

Mr. LOGAN. I think it goes somewhat further.

Mr. WHEELER. Yes. It provides for a proctor, and it provides that a judge may be sent from New York City to Alabama to try lawsuits there in which the Government may happen to be interested, if it desires to have that done; or, if it wishes to have a prosecution conducted before a particular judge, it may send him there. Does not the Senator think, as a matter of fact, that that is a rather dangerous power to place in the hands of some Attorneys General?

Mr. LOGAN. I will answer the question. That is another strange thing. There was something in that provision which I thought was improper, unintentionally put in, perhaps. One of the Senators stated to me that he believed it was unintentionally put in. It provided that only judges hereafter appointed should be subject to assignment. The committee struck out the word "hereafter" and left all of the judges subject to assignment; but when these distinguished Senators wrote the report for the Judiciary Committee, they simply forgot to say that that word had been stricken out by a vote of the committee, and they have a paragraph in the report showing how dangerous that would be, when as a matter of fact the word was stricken out by unanimous vote.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. LOGAN. I am glad to yield.

Mr. O'MAHONEY. Will the Senator be good enough to turn to the first page of the report, and there to read the express statement of the report that that amendment was adopted, and that the word "hereafter" was stricken out?

Mr. LOGAN. I really have not time to deal with frivolous matters.

Mr. O'MAHONEY. But did not the Senator himself raise the question?

Mr. LOGAN. I am going to read, after a little while, what the report said about it.

Mr. O'MAHONEY. Did not the Senator just say that the committee report failed to pay any attention to the fact that that amendment had been made?

Mr. LOGAN. Yes. The committee used that as one basis of its attack upon the bill.

Mr. O'MAHONEY. Does the Senator still contend——

Mr. LOGAN. I cannot yield further at this time. I must get along. I am getting tired.

The report says of the bill:

It tends to expand political control over the judicial department by adding to the powers of the legislative and executive departments respecting the judiciary.

If there is any member of the committee or any Member of the Senate or any person anywhere who can show where the bill does what is stated in the report—"expands political control over the judicial department by adding to the powers of the legislative and executive departments"—I should like to have him point out where it is done. I believe anyone is bound to concede that there is nothing in the bill which adds to the powers of the legislative department or the executive department. It is not there. I said yesterday that this was a manufactured opposition. Where, I ask, does the bill add anything to the powers of Congress? Congress always has had the power, and now has the power, to fix the number of Justices of the Supreme Court. The pending bill allows us only to fix the number of Justices of the Supreme Court.

Mr. BORAH. Mr. President, in view of the Senator's statement, I desire to ask him a question which seems to me to go to the heart of the matter, so far as I am concerned. Was it not the design and the primary purpose of

this proposed legislation to effectuate, through the appointment of new Justices, a change in the construction of the Constitution which would admit the validity of the types of legislation which had been declared void?

Mr. LOGAN. I should say, as I said before, that the question is a perfectly legitimate one. Of course, it was not the purpose to find men who would say, "We will decide cases in accordance with the theories", say, "of the minority of the Court." That was never expected, in my judgment. I should say that it was not the purpose or that there was no intention to force from the Court opinions that would be in accordance with the views of the New Deal legislation. The purpose was to get good men, men learned in the law, of outstanding character, who could command the approval of the Senate, who would carefully reconsider all of those important questions, with the hope that perhaps they would reach the conclusion that Mr. Justice Stone and Mr. Justice Cardozo and Mr. Justice Brandeis and the others who had disagreed with the majority were right—that and the other matter. It was an opportunity to get a fair rehearing, where it cannot be had now by reason of the ossified views of some of the members of the Court.

Mr. BORAH. Mr. President, perhaps the Senator and I are not far apart. As I understand the Senator, it was the hope that through these appointments there would be effectuated such a change of view upon the part of the Court as a whole that it would bring about a construction of the Constitution which would admit the validity of legislative enactments which had been declared void.

Mr. LOGAN. That is as well stated as I myself could state the matter.

I have read to the Senate the six points upon which the report is based. I shall not have time to go over them individually, but I shall take time to say that there is not a valid point there, knowing that few people will read them, and knowing that the report will receive very favorable consideration from some of the great journals and magazines throughout the country. It has been called a great document—the greatest state paper that has been handed into the Senate in generations, as some of the periodicals express it. If it is a great state paper, I believe some of the Senators have 6- or 8-year-old children who can write a great state paper. [Laughter.]

Now, let us notice this point. Here is one which I think is the most amusing point that there is in the report.

The Attorney General submitted a statement of facts showing the pages of records, even the lines and the words, in an effort to show that it perhaps would be a physical impossibility for the Supreme Court, as now constituted, to give consideration to the petitions for certiorari and pass intelligently upon them. Here is what the majority of the Judiciary Committee said on that subject. They said: "The Court does not have to do that. Both sides have lawyers"—this is the effect of it—"and the lawyers tell the Court what is in the record, and the Court does not have to go into it."

How would you like to try a case and let the lawyer against you tell the court what was in the record? How would you like to have a court try your case when the great Judiciary Committee admits that it is not necessary for the court to read the record on a petition for certiorari?

Mr. BURKE. Mr. President, will the Senator yield at that point?

Mr. LOGAN. Yes; I yield.

Mr. BURKE. I do not know whether or not the Senator from Kentucky was in the Senate at the time the Judiciary Act of 1925 was passed; but, whether or not that is the case, he undoubtedly is familiar with the provisions of that act, which, of course, cover the manner in which cases may reach the Supreme Court by writs of certiorari. Does not the Senator know that that act of Congress requires the parties seeking a hearing before the Supreme Court to make a brief statement of the issue involved in the case, and the grounds for thinking that it ought to be passed on a second time on appeal by the Supreme Court?

Mr. LOGAN. Oh, yes, I know that. I have tried to get such writs and never could.

Here is another statement——

Mr. BURKE. Mr. President, will the Senator yield further?

Mr. LOGAN. Yes.

Mr. BURKE. As a great lawyer and a distinguished judge, does the Senator mean to say that he thinks it is necessary for the members of the Supreme Court, in passing upon an application for a writ of certiorari, to read all the pleadings in the courts below, all the evidence introduced, and all the rulings made, in order to determine whether the Court should grant a review on second appeal?

Mr. LOGAN. If all the record were brought up, perhaps it would not be necessary; but in the Supreme Court, as I understand the practice, the evidence must be stated in narrative form, and the attorneys preparing the record put in only the things that are essential or that they think are necessary. In that case, it seems to me, it would be necessary for some of the judges to read all of the record. I think that is the practice; but let us look at this report:

It [the bill] thus creates a flying squadron of itinerant judges appointed for districts and circuits where they are not needed to be transferred to other parts of the country for judicial service.

The writers of the report are growing very eloquent there. This is the conclusion to which I wish to call attention. This is what they say about the President and his department.

Though this plan for the assignment of new judges to the trial of cases in any part of the country at the will of the Chief Justice was in all probability intended for no other purpose than to make it possible to send the new judges into districts where actual congestion exists—

That is all right—

it should not be overlooked—

Here is the virus—

it should not be overlooked that most of the plan involves a possibility of real danger.

And they pursue that a little further. Here is the charge:

To a greater and a greater degree, under modern conditions, the Government is involved in civil litigation with its citizens. Are we, then, through the system devised in this bill, to make possible the selection of particular judges to try particular cases?

The President of the United States, so it is said in the report, is desirous of creating a flying squadron of judges, so that if he has a desire to have a particular case decided one way in New Orleans he may send a judge there, and if he wishes to have a case on the Pacific coast decided the other way he may send a judge there. I cannot believe that the members of the Judiciary Committee believed that the President had that in mind, or that his Attorney General had that in mind; and yet that is what is charged in the report.

Now I desire just briefly to notice another thing or two, because shortly I am going to quit.

The report says of the bill:

It applies force to the judiciary.

I have already said that that is not true.

It is an attempt to impose upon the courts a course of action, a line of decision which, without that force, without that imposition, the judiciary might not adopt.

Can there be any doubt—

So the writers of the report say—

that this is the purpose of the bill? Increasing the personnel is not the object of this measure; infusing young blood is not the object; for if either one of these purposes had been in the minds of the proponents, the drafters would not have written the following clause to be found on page 2, lines 1 to 4, inclusive.

Every line of the report is a veiled attack upon the integrity of the President and the Congress, too. Of course, I have been attacked so many times that that does not make any difference. But Senators and Members of the other House, who sincerely believe that relief should be granted along this line, are attacked by this report just like the rest.

Those who signed the report talk about courts being absolutely independent. That ought not to be true. The judge should be absolutely independent to exercise his own freedom of thought in reaching conclusions, but does the committee mean that the Supreme Court should be independent entirely of the other branches of the Government, and that anything they might do should be the end of the matter? If so, if that is to be the proper interpretation of the constitutional powers of the Supreme Court, then we do not have a republic; we do not have a democracy; we have a country that is governed by one or more members of the Supreme Court of the United States. They could deny religious liberty and deny civil liberty, and nothing could be done about it under the Constitution, according to the interpretation of those who oppose this legislation.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. BURKE. Does the Senator then disagree with the great pronouncement of Montesquieu which was quoted by most of the members of the Constitutional Convention, that the only safeguard of liberty is a judiciary incorruptible, and altogether independent of either of the other branches of the Government?

Mr. LOGAN. He was extravagant in his language, and he did not know what he was talking about, but in a measure that statement is true. The judiciary must be independent. Nobody believes that more than do I. But the proposal before us does not interfere in any way with the independence of the judiciary.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. MINTON. Does not the Senator think that the philosophy of Thomas Jefferson is more in accord with what we expect in America, to this effect, that "A judiciary independent of a king or executive alone is a good thing; but independence of the will of the Nation is a solecism at least in a republican government. In truth man is not made to be trusted for life, if secured against all liability to account."

Mr. LOGAN. Jefferson was the greatest political philosopher America has ever produced, and that is his idea about absolute power in the courts.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. LOGAN. I yield.

Mr. CONNALLY. Adverting to Mr. Jefferson, as the Senator from Indiana and the Senator from Kentucky have referred to him, although Thomas Jefferson despised John Marshall, is there anywhere any indication that he ever proposed a bill to put new judges on the Court in order to overthrow the opinions of Marshall?

Mr. LOGAN. No, Mr. President; but he took a number of the old ones off by new legislation. The Senator has not forgotten that, has he?

Mr. CONNALLY. He did not take one off the Supreme Court.

Mr. LOGAN. I do not think he did, but at the same time the Federalists, just before they went out, in order to bring the judiciary into politics and to regain control of the country, although the people had spoken to the contrary, created a number of new offices, and Congress repealed the law and took the offices away from them.

Mr. CONNALLY. I renew my question. I am not talking about the circuit courts; I am talking about the Supreme Court. John Marshall was not on the circuit court; he was on the Supreme Court. Is there any record anywhere that Thomas Jefferson ever, by a message or in any other form, advocated or asked the Congress to pass a law to create new places on the Supreme Court in order that he might fill them and thereby overturn the decisions of Mr. Marshall?

Mr. LOGAN. I may say to the Senator that no other President has ever made a request of that kind.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. MINTON. Does not the Senator recall that Thomas Jefferson did have something to say about old judges, to this effect?—

> Knowing that religion does not furnish grosser bigots than law, I expect little from old judges.

Mr. LOGAN. Of course; and when there was a vacancy on the Supreme Court during the administration of his successor, he wrote expressing great jubilation over the fact that after 10 years' service Cushing had died and that a Democrat could be appointed to the Court.

Mr. CONNALLY. Mr. President, a Justice had died, and that created a normal vacancy, and he had a right to appoint another; but if he had wanted Cushing off the bench, and had entertained the views the Senator from Kentucky entertains, he would not have waited for Judge Cushing to die, he would have put on a partner, a riding companion for him, through the appointment of another judge.

Mr. LOGAN. I know there is no way to convince any man, much less a Senator, when he once takes a position. I wish it were possible, sometimes.

At the start the Supreme Court did not amount to anything. It was not then possible to get a man who would act as Chief Justice. The Court was hardly any part of the Government. Marshall was appointed in 1803, as I recall, or somewhere about that time, and he began to reach out and gather in some power of the Federal Government. Very little of this took place under the administration of Thomas Jefferson. While Thomas Jefferson was President, the Supreme Court had not done anything and could not do anything. It was really recognized as being entirely subordinate to the other two branches of the Government. It never legislated for itself until Marshall began to gather in some power, and others have added to it and added to it, until as Jefferson, I believe, said, like a thief in the night the judiciary had stolen power from the people until it had become a danger and a menace to the very life of the Government itself. We can very well see that that has been going on.

Here is another rather amusing thing in the report. Those who signed it quote from the President's address to the Nation of March 9, in which he said:

> We must find a way to take an appeal from the Supreme Court to the Constitution itself. We want a Supreme Court which will do justice under the Constitution—not over it. In our courts we want a government of laws and not of men.

He had said that the Court had decided certain questions wrong. The majority of the Judiciary Committee says that his words constitute a charge that the Supreme Court has exceeded the boundaries of its jurisdiction, and has invaded fields reserved by the Constitution to the legislative branch of the Government. That is what the committee says in its report. But I will call the attention of the distinguished members of the committee to the fact that after the President made that charge the Supreme Court came along and pleaded guilty, saying, in effect, "Yes, we are guilty; we have done that; we are going to correct it"; and they did a right-about face and corrected it.

Mr. BURKE. Mr. President, will the Senator yield on that point?

Mr. LOGAN. I yield.

Mr. BURKE. A little earlier the Senator complained that the report did not in any place praise the President. I think he has just called attention to one case where the report does give high praise to the President. At the top of page 17, just following the portion which the Senator has read, the report states that the President exercised very proper solicitude to maintain the prerogatives of the executive when challenged by the legislative department. We give him real credit for that.

Mr. LOGAN. The committee gives him credit by saying that he has repelled the invasion of the legislative department when it attempted to trespass upon the rights of the executive department.

In addition to some of the things I have mentioned—and I am not going to include all of them, for I am going to close—they have a summary in the back of the report which is worth reading. As I pass along, however, I note under the headline, "Extent of the judicial power", a discussion of that subject. No one cares anything about that;

at least, I do not. Then "Guaranties of individual liberty threatened." Who is threatening the guaranties of individual liberty, that the majority of the committee should put it in capitals? The President of the United States says the committee. And again we find, the "Court has protected human rights." Who is trying to destroy human rights? According to the Members signing this report, it is the President of the United States. That is what they are leading the people to believe, putting those statements in the report, and the people are aroused, and reach the conclusion at once that Members of the Senate are stating that "the President of the United States is attempting to destroy our religious rights and our civil rights and our political rights."

In the final summary they recommend that the bill be rejected for certain reasons; and here is another charge of dishonesty and double dealing on the part of the President.

It was presented to the Congress in a most intricate form and for reasons that obscured its real purpose.

The President of the United States tried to deceive the poor, innocent Senators who prepared this report; he tried to mislead them, to cover something up—a double-dealer. That is what they think about it, according to this report.

Mr. TYDINGS. Mr. President, will the Senator yield for a question?

Mr. LOGAN. I yield.

Mr. TYDINGS. I know the Senator has covered the ground, but would he mind in just a sentence, if he could, stating what he thinks the real reason for the proposal is?

Mr. LOGAN. The real reason for the proposal is to correct a situation which has grown up within the Supreme Court, internal dissensions among the members, with such a hardening of mind that the country cannot get an unbiased consideration of the great questions which need to be solved. This modified bill would allow a little help in that it would allow one new judge each year to be appointed for those who are over 75 years of age, because it is hoped to have judges who would agree with the minority, that is, the old minority, rather than the majority, in order to secure fair and impartial consideration by unbiased judges.

Mr. TYDINGS. Will the Senator yield for another question?

Mr. LOGAN. Certainly.

Mr. TYDINGS. I think the Senator has made a very frank statement in answer to my first question, and I hope he will be equally frank in answering my second, as I know he will. Am I correct in assuming that the purpose of the bill is to change the philosophy of the Court?

Mr. LOGAN. No; that is not the purpose.

Mr. TYDINGS. That is what I thought the Senator said.

Mr. LOGAN. The purpose is to give those who have a different philosophy from that of the Court a fair trial before an impartial judiciary to determine what is right.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. LOGAN. I yield to the Senator from Connecticut.

Mr. MALONEY. Is the Senator of the opinion that every administration is entitled to a sympathetic Supreme Court?

Mr. LOGAN. I do not know. I know the Supreme Court ought never to be sympathetic with any administration; it should be neither for it nor against it. It should never be sympathetic with any particular idea; it should never be either for it or against it. If it were possible for the Supreme Court to forget all things except that it must approach the solution of questions with unbiased mind and free and pure heart, it would be the proper kind of a court; but throughout the history of our Nation the political views and the economic views of the judges have entered into their appointments.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. TYDINGS. Does the Senator feel, then, that if the pending substitute is adopted it will not change the philosophy of the Supreme Court as we have known it?

Mr. LOGAN. It is already changed. It has changed its own philosophy.

Mr. TYDINGS. Mr. President, may I ask the Senator another question?

Mr. LOGAN. Yes.

Mr. TYDINGS. As I understood the Senator—and I ask him to correct me if I am in error—did not the Senator at first say that it was desired by this legislation to break down the solidified or stable minds of the Court, which were in one particular groove, and to substitute for those minds a new train of thought on national questions?

Mr. LOGAN. No; not to break down anybody or to take anybody off the bench; but it is the hope that with infusion of new minds on the Court the country may find out what the Constitution means, with the hope that when it does find the proper interpretation of the Constitution it will be along the lines of Stone and Brandeis and others.

Mr. TYDINGS. Then I shall put my question in slightly different form. Is it not a fact that the underlying purpose of this substitute is to secure a new philosophy of judicial interpretation from the Supreme Court of the United States?

Mr. LOGAN. It is the hope that it may be done.

Mr. TYDINGS. The hope?

Mr. LOGAN. Yes.

Mr. TYDINGS. That is the aim, is it not?

Mr. LOGAN. That is the hope, that it may be done, not through "packing" the Court, but through the reconsideration of important questions as to which apparently some of the members of the Court have reached the stage where they cannot consider them fairly and impartially.

Mr. TYDINGS. The Senator from Kentucky is very generous. Will he be generous enought to answer another question?

Mr. LOGAN. I yield.

Mr. TYDINGS. Let us suppose that the substitute is adopted. Let us suppose that in 5 or 6 years an entirely new Court replaces the old Court and, for want of a better term, that it is composed of either radical or liberal justices; I ask the Senator to assume that following that event a new administration comes into power by large majority, either Republican or Democratic or what not, which is at loggerheads or at odds with the then existing philosophy of the Court. Would the Senator then be in favor of a new judicial reform act which would by some artifice change that philosophy all over again?

Mr. LOGAN. Oh, no; I should not be in favor of such an act, and I should not favor this measure if I thought that was its purpose.

Mr. TYDINGS. I thought the Senator had said—and I ask the Senator to correct me if I am wrong—that the real purpose of the substitute was to change the philosophy of the Court.

Mr. LOGAN. The philosophy of opinions, it might be said. Throughout the years, in the interpretation of the commerce clause or the due-process clause, there have been some rather remarkable opinions of the Court. Go back to the case of Munn against Illinois, an old case with which I am sure the Senator is familiar. In that case the Court held that it was within the power of the legislature to determine the state of facts on which regulations should be made. Then when the Minnesota rate case came along, the Supreme Court said, "No; that it was for the Court to determine." Now, that is either right or it is wrong. I do not know whether I can make the Senator from Maryland understand my position, but it is a difficult thing to make the man on the street understand it.

Take the case of Munn against Illinois, where the Court specifically wrote that it was within the power of the legislature to determine the facts. Later, in the Minnesota rate case, I believe, the Supreme Court said, "No; that it was for the Court."

What is the question of general welfare? What is the question of interstate commerce? What is a burden upon

interstate commerce? The Supreme Court for years has assumed the power to determine the facts without hearing witnesses.

Mr. TYDINGS. Will the Senator yield right there?

Mr. LOGAN. I will yield in a moment. Others say that the Congress has that power. The Senator from Maryland does not know; neither do I know who has it.

I now yield to the Senator from Maryland.

Mr. TYDINGS. I ask the Senator if it is his understanding that the President, in sending down his message, used the expression that he wanted a court more in keeping with the needs of the times?

Mr. LOGAN. Yes.

Mr. TYDINGS. I think "the needs of the times" were the words he used.

Mr. LOGAN. I think that is correct.

Mr. TYDINGS. I desire to ask the Senator another question. Assume that the substitute bill goes through, and that in 5 or 6 years we have a completely new Supreme Court by reason of deaths, resignation, or the process of this bill. I ask the Senator to assume that all the new judges are radical or liberal, and insist on interpretations of radical or liberal nature, when considered in the light of the attitude of the present Court. If, then, a new national administration comes in, no matter what the party may be, which does not like that radical or liberal interpretation on the part of the Court, would not the new administration, reflecting the will of the people, be justified in again packing the Court just as we now propose to pack it, in order to change the philosophy with which the then existing Court would not be in sympathy?

Mr. LOGAN. Of course, if the same conditions existed, it would be justified. I have not time to go into the conditions which exist; but that is true.

Mr. TYDINGS. I ask the Senator from Kentucky if that would not mean that the Supreme Court would continue to be the continual football of the philosophy which for the moment was predominant in the Congress?

Mr. LOGAN. No; it would not, because the same idea has been in existence ever since the Government began. If the Senator will go back and read the debates in the twenties and the thirties over the proposal to increase the membership of the Supreme Court, in which such men as Webster and Clay and other great men took part, and which occurred at about the time Mr. Justice Taney, from Maryland, came on the bench, he will find that this is not a new question.

Mr. OVERTON. Mr. President, will the Senator yield so that I may propound a question to him solely for the purpose of obtaining information as to his viewpoint?

Mr. LOGAN. I yield.

Mr. OVERTON. Did I correctly understand the Senator's position to be, in answering a question which I propounded to him a while ago today, that this bill is based solely upon the theory that judges of inferior courts who have attained the age of 70 years, and Justices of the Supreme Court who have attained the age of 75 years, are incapacitated, wholly or in part, from properly discharging the functions of their office?

Mr. LOGAN. That is true.

Mr. OVERTON. Am I to understand, from the answers the Senator has given to the questions propounded by the Senator from Maryland, that it is based upon another theory also, and that is that there is necessity for a change in the current of jurisprudence by a change in the personnel of the Court?

Mr. LOGAN. The two questions are the same. I think the theory is—or, at least, that is my theory—that age in some instances affects a man so that he cannot properly consider questions which come before him; that his philosophy has gone wrong because of his age; that his philosophy of the law is wrong because he has been withdrawn from the public until perhaps his ideas are not very clear.

Perhaps his mental faculties are not as strong as they were. So the philosophy that the Court now has may be a false philosophy by reason of the age of the judges. I do not know. That is just my own idea.

The Senator from Indiana [Mr. MINTON] yesterday read an old letter in which the writer said that Mr. Justice Grier voted on questions when he did not know what he was voting on, and the writer referred to the effort that was made to get Justice Grier off the bench, and how much trouble the Court had with him. Such things happen. I do not say that they are now happening. Whenever they happen there is only one remedy left.

I am very glad to stop at this time without analyzing the report further. I will do that at some later time.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. TYDINGS. I am not trying to be facetious. I hope the Senator realizes that I am trying to get at the merits of this proposal. The Senator has been fair enough to concede that the Court has now changed its philosophy.

Mr. LOGAN. Yes.

Mr. TYDINGS. In other words, its philosophy now, as I understand, is different from its previous philosophy. It is more liberal; it is more in keeping with what we think the people of the country want. Therefore, if an amendment were offered, including the Senator's bill exactly as it is written, but providing that this measure shall not apply to any present sitting member of the Court, the Senator already having the philosophy that he wants, he would have the advantages of his bill without the implication that we have tried to force the philosophy on the Court or to stack the Court in any way, and no harm at all would be done. In other words, if the sitting judges who are over 75 years of age are now in sympathy with the kind of philosophy that is desired, why not exclude them from the operations of the law, and make only subsequent judges who reach the age of 75 years subject to retirement?

Mr. LOGAN. I am afraid that would not work; but I will answer the question, and then I shall yield the floor.

The President spoke of the Government in his fireside chat and compared it to a three-horse team, all three horses of which were supposed to work together; and, of course, no one can find any fault with that philosophy. But one of the horses had lain down in the furrow and would not pull, and there ought to be something done about it. He was criticized for that statement. Since that time, it might possibly be argued, at least by an able Senator such as the Senator from Maryland, that the horse which had lain down in the furrow had gotten up and was going to pull. It looks as if that is true; but I want to remind the Senator of something perhaps he does not know about. He never plowed a mule or new ground on a poor farm. In the springtime, when you get an old mule at the plow, he goes along and then halts and lies down in the furrow, and you cannot get him up at all. After a while you put a burr under his tail and resort to other expedients and get him up, and he will go along very well for a while, but after a time, when he thinks you have forgotten how you got him up, he lies down in the furrow again. It may be that this third team that was lying down in the furrow has gotten up and is going to pull; but who knows when it is going to lie down in the furrow again?

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. TYDINGS. I like the illustration the Senator from Kentucky has offered. It seems to me, however, that he has hooked up the team a little awkwardly. It is true we have these three horses—the executive team, the legislative team, and the judicial team—but what the Senator presupposes is that the driver of the executive horse is also the driver of the other two.

Mr. LOGAN. Oh, no; I do not think so.

Mr. TYDINGS. What I want is to have the American people drive all three teams and not have the executive and legislative horses combine in forcing the other horse, against the will of the driver, into a direction that the driver may not want him to go.

Mr. LOGAN. I do not think the Senator believes that, and I am going to make him admit it in a minute; because if he

did believe it, he would perhaps be a Socialist or a Communist. He does not believe that the American people should control the judicial branch of the Government. When the Senator said that he believed the people ought to control the legislative, executive, and judicial branch——

Mr. TYDINGS. That is correct.

Mr. LOGAN. He went a little too far. I think the American people cannot control the judicial branch of the Government, the Supreme Court. That is where the fault lies.

Mr. TYDINGS. Who does control it?

Mr. LOGAN. Nobody controls it. That is what I am complaining about. The makers of the Constitution expected when that document was adopted that Congress would keep an eye on the Court, and if the Court went wrong the makers of the Constitution expected Congress to do something about it. But it has been made a sacred something which must not be spoken about; nothing must be said about it. It can do no wrong; it can think no wrong; it cannot do anything but protect the poor, downtrodden people.

Mr. TYDINGS. Mr. President, will the Senator yield further?

Mr. LOGAN. I yield.

Mr. TYDINGS. I do believe in the American people controlling the executive, the legislative, and the judicial branches of the Government in line with the Constitution. The Senator from Kentucky believes that the legislative and executive branches should control the judicial branch of the Government notwithstanding that the American people, whose trustee he is, may not want the judicial branch to be controlled by the other two branches.

Mr. LOGAN. I do not want it to be controlled by any branch. The only thing I am asking is that it perform fairly and justly its proper functions under the Constitution——

Mr. TYDINGS. The executive and legislative branches to be the umpire?

Mr LOGAN. That it not usurp legislative or executive power and set itself up as a king or monarch. All I am asking is that it get back on the Constitution, and under the Constitution, and then I will stand always ready to defend it if anybody attacks it.

Mr. TYDINGS. Mr. President, will the Senator yield further?

Mr. LOGAN. I yield.

Mr. TYDINGS. I do not like some of the decisions of the Supreme Court; I am perfectly willing to accede to what the Senator says; and all I am asking him is to pass the proposal on to the American people for ratification or rejection through a constitutional amendment. They are the residuaries of all power. We have no right to pack the Supreme Court of the United States in order to change its philosophy. I accept the Senator's premise.

Mr. LOGAN. The Senator places himself in this attitude: He says that we ought to submit a constitutional amendment to the people so that they can give us, the Congress, the power to do that which is already plainly written in the Constitution. It is not a consitutional amendment the Senator wants; it is a referendum. He wants a plebiscite on matters of pure legislation.

Mr. TYDINGS. Mr. President, the Senator is entirely wrong. The matter of the Supreme Court can be handled by an amendment, as the Senator knows, not in the nature of a referendum at all, by the proper play of constitutional processes. With all due respect to him, what the Senator from Kentucky, as I see it, is attempting to do is to usurp a constitutional prerogative by a legislative act. He is trying to change the Supreme Court of the United States, not because of the age of the Justices, not because of its background, but because he wants decisions rendered by that Court as he wants them to be rather than as the Court sees fit to render them.

Mr. LOGAN. Mr. President, the Senator does me a very great injustice. That is not my opinion. I have tried to make it clear, but there are none so difficult to deal with as those who positively refuse to understand.

Mr. TYDINGS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield further to the Senator from Maryland?

Mr. LOGAN. I yield.

Mr. TYDINGS. I want to echo the remarks of the Senator from Kentucky. I would rather deal with any man other than the man who refuses to understand even when, by his own admission, he sees the light.

Mr. MINTON. Mr. President, I have listened for the past 2 days with rapt attention to the able address of the Senator from Kentucky [Mr. LOGAN]. He has been speaking upon a subject that I intended to say something about in the course of this debate, but he has made a much better speech than I could ever hope to make, and I wish only to detain the Senate for a brief period in order that I may touch upon one or two matters in the alleged historic report which the Senator from Kentucky found he did not have time to touch upon or was diverted in his address and was unable to do so.

Mr. President, some of the most illustrious names that are known to the history of this great body are signed to the majority report to which reference has been made, names that will live in the history of this country long after I am forgotten, but they will not live on the record they made in signing that report. I respect these distinguished Senators for their ability as statesmen and as lawyers; I have no quarrel to pick with them personally, and I shall say no unkind word about them, but I shall direct myself briefly to another point or two involved in this alleged historic report.

I was pleased to note that Senators rose here on the floor of the Senate in the course of this debate and disavowed any purpose on their part to malign, to rebuke, or reprove the President of the United States when they submitted this report. I am glad the Senators have taken that position. I am sure in that position they disillusioned the bright young men who sit above the desk of the Presiding Officer in the press gallery, for I am certain that they derived the impression when they read that report that it was a rebuke to the President of the United States; that it was an indictment of his purpose, his aims, and his patriotism, because it was so stated in all the press of the country that is opposed to this program, as most of the newspapers are.

On June 15, 1937, the Washington Post said:

> It is difficult to find any previous occasion on which an administration measure has been so thoroughly discredited by a congressional report.
>
> There is not an iota of partisanship in the report.

Of course, the Washington Post is an admirable organ to pass on partisanship—

> * * * Yet it constitutes a blistering indictment of the plan which is said to be foremost in the President's mind. * * * Actually the rebuke contained in this report extends beyond the court bill.

Again, in the Baltimore Sun of June 15, 1937, in an editorial entitled "Sharp Rebuke", we find these words:

> Never has a President, so recently the unquestioned master of his party, sustained so severe a rebuke.

In that apostle of sweetness and light, the Chicago Tribune [laughter], on June 16, 1937, we find these words:

> Some Presidents in the past have been rebuked by the National Legislature, and one or two have been denounced by members of their own party. In one or two instances the justice of the rebuke was questionable. In the present instance there can be no question.

So I say to you, Mr. President, in view of the false impression that has gone out through the columns of the press of the country, I am glad to find the avowal from the mouths of my colleagues upon the floor of the Senate that they sought not to rebuke the President of the United States, that they sought not to indict him or to impugn his motives at all; because, after all, there is in this great subject room for reasonable, conscientious difference of opinion. I concede to my colleagues who disagree with me the reason-

ableness of their position and their honesty of purpose, and I expect nothing from them except that they concede to me the honesty of purpose which I concede to them.

But, Mr. President, as we approach the consideration of this vital problem, I look upon it in this manner: We are not engaged in playing a game; this is serious business that confronts the Congress of the United States; we are endeavoring now to make a form of government function as a democratic form of government, although it was set up by men who feared democracy.

We are now trying to make this Government a Democratic form of Government and to make it work in the interest of the great masses of the people of the country.

As we view our experience of the last few years, we have discovered that one of the three coordinate branches of our great Government has not been in step with the spirit of the times. Furthermore, as the distinguished Senator from Kentucky [Mr. LOGAN] has well said, the members of that branch have in their minds a fixation on certain fundamental problems, and nothing seems to be able to change it. So I conceive it to be my duty as a Member of the Senate to use such power as I have at my command under the Constitution of the United States to reach the problem which confronts us, where the Supreme Court of the United States is setting itself up as a superlegislature, because, after all, there is no place where the people of the country can turn for the redress of judicial abuse of this power unless they turn to the Congress of the United States.

I invite attention to the fact that on page 9 of the report reference is made in a rather critical vein to the President's speech wherein he pointed out the fact that the Supreme Court was exercising a legislative function. The committee report wound up its observations with this smug and self-satisfied observation:

> It is not the conclusion of judicial process.

I shall give some conclusions of judicial process on the question as to whether or not the Supreme Court has been legislating and exercising legislative functions. I shall quote from members of the Supreme Court themselves wherein they have charged that the Supreme Court has been exercising legislative functions.

First, I quote from one of the greatest scholars and writers with reference to the opinions of the Supreme Court that this country has ever produced, the late James M. Beck. In his book he said:

> The Supreme Court is a continuous constitutional convention.

Mr. Justice Brandeis, in *Burns Baking Co.* v. *Bryan* (264 U. S. 504, p. 534), said:

> To decide, as a fact, that the prohibition of excess weights "is not necessary for the protection of the purchasers against imposition and fraud by short weights", that it "is not calculated to effectuate that purpose", and that it "subjects bakers and sellers of bread" to heavy burdens is, in my opinion, an exercise of the powers of a superlegislature—not the performance of the constitutional function of judicial review.

That great Justice of the Supreme Court, Mr. Justice Harlan, in the case of *United States* v. *American Tobacco Co.* (221 U. S. 106, p. 192), said:

> Now the Court, in accordance with what it denominates the "rule of reason", in effect inserts in the act the word "undue", which means the same as "unreasonable", and thereby makes Congress say what it did not say; what, as I think, it plainly did not intend to say and what, since the passage of the act, it has explicitly refused to say. It has steadily refused to amend the act so as to tolerate a restraint of interstate commerce even where such restraint could be said to be reasonable or due. In short, the Court now, by judicial legislation, in effect amends an act of Congress.

In short, the Court——

Mr. BURKE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Nebraska?

Mr. MINTON. I yield for a question.

Mr. BURKE. Is it the understanding of the Senator from Indiana that the purpose of the bill is to take away from the Court the ability to act as a superlegislature?

Mr. MINTON. No; it is only to get a better legislature.

Mr. BURKE. The bill, then, would not have any effect in preventing the Court from continuing to act, if it saw fit, as a superlegislature?

Mr. MINTON. No. The bill does not affect its power, unfortunately.

Mr. BURKE. What, then, is the purpose of the bill?

Mr. MINTON. I shall get to that later.

Mr. MALONEY. Mr. President, may I interrupt the Senator at that point?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Connecticut?

Mr. MINTON. I yield.

Mr. MALONEY. I do not care whether the Senator answers my question now or later, but I should like to ask the same question that I propounded to the Senator from Kentucky [Mr. LOGAN]. I asked whether or not each administration is entitled to a sympathetic Supreme Court, and the answer of the Senator from Kentucky was, "I do not know." I submit the same inquiry to the Senator from Indiana.

Mr. MINTON. I have a definite opinion about it. I think every administration is entitled to an open-minded Supreme Court.

Mr. O'MAHONEY. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Wyoming?

Mr. MINTON. I yield for a question.

Mr. O'MAHONEY. Did I correctly understand the Senator to say, in response to the inquiry of the Senator from Nebraska [Mr. BURKE], that the purpose of the bill is to secure in the Supreme Court a better superlegislature?

Mr. MINTON. That is the hope.

Mr. O'MAHONEY. Then, am I to understand that the purpose of the bill is not to correct the defects which the Senator has been criticizing, is not to prevent the Supreme Court from usurping legislative powers, but is merely to create a Supreme Court which will act in the legislative manner in which the Senator desires it to act?

Mr. MINTON. I am only answering the historic report which the Senator from Wyoming signed.

Mr. O'MAHONEY. Of course that was not my question.

Mr. MINTON. In this historic report it was pointed out that the exercise of legislative power, as asserted by the President, was not a conclusion of judicial process, and I am giving some judicial processes.

Mr. O'MAHONEY. Mr. President, may I ask the Senator another question?

The PRESIDING OFFICER. Does the Senator from Indiana yield further to the Senator from Wyoming?

Mr. MINTON. I yield.

Mr. O'MAHONEY. Does the Senator concede that the report of the committee is before the Senate, or is it another bill?

Mr. MINTON. I think the report of the committee is before the Senate.

Mr. O'MAHONEY. Is it not a fact, may I ask the Senator from Indiana, that the original proponents in the Senate of the original bill have abandoned it and have presented a new bill?

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Washington?

Mr. MINTON. I yield.

Mr. SCHWELLENBACH. May I ask the Senator from Indiana to ask the Senator from Wyoming [Mr. O'MAHONEY], he being one of the signers of the report, whether or not he now wants us to believe he is abandoning the report?

Mr. O'MAHONEY. Oh, no; not at all.

Mr. MINTON. I do not think the Senator from Wyoming wants to abandon the report. As I proceed I intend to come back to the proposition referred to by the Senator from Wyoming about the attitude of the committee toward this particular bill and what they did about it.

I wish to quote once more from judicial processes. Mr. Justice Holmes, in the case of *Hammer* v. *Dagenhart* (247 U. S. 215), at page 280, said:

> But I had thought that the propriety of the exercise of a power admitted to exist in some cases was for the consideration of Congress alone, and that this Court always had disavowed the right to intrude its judgment upon questions of policy or morals. It is not for this Court to pronounce when prohibition is necessary to regulation, if it ever may be necessary—to say that it is permissible as against strong drink, but not as against the product of ruined lives.

In *Pollock* v. *Farmers Loan & Trust Co.* (158 U. S. 601, 674), Mr. Justice Harlan said, at page 679:

> Is it to be understood that the courts may annul an act of Congress imposing a tax on incomes whenever, in their judgment, such legislation is not demanded by any public emergency or pressing necessity? Is a tax on income permissible in time of war but unconstitutional in a time of peace? Is the judiciary to supervise the action of the legislative branch of the Government upon questions of public policy? * * * The decree now passed dislocates—principally for reasons of an economic nature—a sovereign power expressly granted to the general government and long recognized and fully established by judicial decisions and legislative action. It so interprets constitutional provisions, originally designed to protect slave property against oppressive taxation, as to give privileges and immunities never contemplated by the founders of the Government.

In *Baldwin* v. *Missouri* (281 U. S. 586, 595), Mr. Justice Holmes said:

> As the decisions now stand, I see hardly any limit but the sky to the invalidating of those rights if they happen to strike a majority of this Court as for any reason undesirable. I cannot believe that the amendment was intended to give us carte blanche to embody our economic or moral beliefs in its prohibitions.

In *Standard Oil Co.* v. *United States* (221 U. S. 1, 89, 90, 103), Mr. Justice Harlan said, at page 105:

> It remains for me to refer, more fully than I have heretofore done, to another and, in my judgment—if we look to the future—the most important aspect of this case. That aspect concerns the usurpation by the judicial branch of the Government of the functions of the legislative department. To overreach the action of Congress merely by judicial construction—that is, by indirection—is a blow at the integrity of our governmental system and in the end will prove most dangerous to all.

In *United States* v. *Butler* (297 U. S.), Mr. Justice Stone said, at page 87:

> A tortured construction of the Constitution is not to be justified by recourse to extreme examples of reckless congressional spending which might occur if courts could not prevent—expenditures which, even if they could be thought to effect any national purpose, would be possible only by action of a legislature lost to all sense of public responsibility. Such suppositions are addressed to the mind accustomed to believe that it is the business of courts to sit in judgment on the wisdom of legislative action.

I might stand here all afternoon and quote for the record instance after instance of opinions of Justices of the Supreme Court in which they have charged that the Supreme Court itself was exercising the functions of a super legislature. I do not believe anyone questions that. I simply cite these facts to show that if the signers of the report want judicial process, I refer them to the opinions of Justices of the Supreme Court.

I come back to the beginning of the consideration of the bill and the writing of this historic report. For weeks the Committee on the Judiciary sat and held hearings in the Capital of the Nation. Everybody testified who had an opinion about the bill and could pay his way to Washington or get it paid. Then, after weeks of that kind of hearings, the committee took a month to vote upon a bill when they all knew in the beginning how they were going to vote upon it.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. MINTON. Then they took another month to write the historic document to which I am now referring.

Mr. O'MAHONEY. Will the Senator yield at that point?

Mr. MINTON. Yes; I yield.

Mr. O'MAHONEY. Does the Senator know that the date upon which the vote was taken was selected by the eminent Senator from Kentucky [Mr. LOGAN] who has just taken his seat?

Mr. MINTON. I guess that was the best date he could get.

Mr. O'MAHONEY. Does the Senator know that there was no objection, certainly upon the part of most of the Senators who signed the report, to an earlier date?

Mr. MINTON. No; I do not know it. I know, however, that a fundamental proposition, a very serious proposition, was submitted by the President to the consideration of the Congress of the United States. I know that after the weeks and months during which the committee had under consideration this great fundamental problem, which the President of the United States had submitted to the Congress, the Judiciary Committee came in with a report that wholly ducks the issue, because they had under consideration a proposition that brought with it a bill that was proposed by the President of the United States. The committee thought it had fully discharged its functions, however, when it had disposed of that bill, without directing its attention to the fundamental problem that was presented by the President of the United States and is incorporated in this amendment in the nature of a substitute, now offered by other members of the committee.

Mr. BURKE. Mr. President, will the Senator yield at that point for a question?

Mr. MINTON. Yes; I yield.

Mr. BURKE. If the bill submitted on the 5th of February was so thoroughly discredited by the committee report that it has been completely abandoned, what more could be accomplished by any committee or any report?

Mr. MINTON. I do not suppose anything, in reality and practicality, could be accomplished in that regard; but I think the committee could have accomplished a great deal more by considering the fundamental proposition submitted by the President of the United States, and trying to bring in some legislation to meet that problem; and it finally devolved upon some members of the committee who were in the minority to work out an amendment in the nature of a substitute and bring it to the Senate of the United States for its consideration.

Mr. O'MAHONEY. Mr. President, will the Senator yield for a question?

Mr. MINTON. Yes; I yield.

Mr. O'MAHONEY. I wonder who, in the mind of the Senator from Indiana, is "ducking the issue"—those who signed the report condemning a particular bill, or those who abandoned the bill, and who now come upon the floor of the Senate talking about everything and anything except the bill they are proposing?

Mr. MINTON. That may be the view of the Senator from Wyoming; but I think the proponents of the amendment in the nature of a substitute have submitted to the Senate a very statesmanlike and concrete proposal to meet the proposition submitted by the President of the United States.

Mr. CONNALLY. Mr. President, will the Senator yield for a question—a friendly question?

Mr. MINTON. Of course. I should expect nothing else from the Senator from Texas.

Mr. CONNALLY. In all fairness, is it not true that in the mind of the Senator from Indiana the substitute will accomplish the real purposes of the original bill? There will be a little delay, but it will finally accomplish the same result?

Mr. MINTON. By slow motion.

Mr. CONNALLY. That is true. I wanted to get the view of the Senator. The Senator's view, I think, is the correct view, that the substitute is just the same old house with a new front on it.

Mr. MINTON. Mr. President, in this report it is stated, I believe, that this bill is without precedent. Of course, the Senator from Kentucky [Mr. LOGAN] has well pointed out that seven times before in the history of the Nation this very precedent has been used. In other words, the size of the Court has been changed seven times by the Congress of the United States. The first time, it will be recalled, was when the Federalists went out of power in 1801. John Adams, believing as everyone believed at that time that the aged and infirm Justice Cushing was going to retire from the bench,

had the size of the Supreme Court reduced from six to five in order that the incoming Jefferson might not appoint the successor to Mr. Justice Cushing, who, it was understood, was to get off the bench. But Mr. Jefferson, of course, was equal to the occasion, and he increased the size of the Court back to six; and what did Cushing do?

Like some of the judges upon the present Supreme Court, he held on for dear life, because he did not want Jefferson to appoint his successor; and it was years afterward before Cushing finally did die, I believe, in office.

So, Mr. President, that was the first change that was brought about; and it was brought about to serve the political purpose of the Federalists, and maintain the Federalist control of the judiciary of the country. The other changes that came along from then until the administration of Abraham Lincoln were not of great importance, and probably can be classified as changes to meet administrative phases of the Government at that time.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. MINTON. But when we come to the question of whether or not the administration of Abraham Lincoln changed the size of the Supreme Court in order to be sure the Supreme Court would give the kind of opinions that Lincoln wanted, I desire to read into the RECORD some of the history of that occasion which controverts the historic report submitted by the Judiciary Committee.

Mr. BURKE. Mr. President, will the Senator yield before he goes on to that point?

Mr. MINTON. Yes; I yield.

Mr. BURKE. Passing over the first instances, I merely wish to call attention to a fact in reference to the first alleged precedent to find out whether the Senator really considers that what took place in the closing days of John Adams' administration and the first days of Thomas Jefferson's administration constitutes a precedent; and in that connection it is necessary for me to ask two questions.

The Senator realizes, of course, that up to the time that the Congress, in the administration of John Adams, passed the legislation providing that the first vacancy which occurred on the Court should not be filled, all Justices of the Supreme Court rode the circuits, and held courts in the circuits. He recognizes that fact; does he not?

Mr. MINTON. Yes.

Mr. BURKE. And the Senator recognizes the fact that at the same time that the Congress passed the act providing that the first vacancy should not be filled, it also repealed the act which required circuit-court duty of Supreme Court Justices.

Mr. MINTON. Yes; that is true.

Mr. BURKE. The third point is that nothing was ever done under that provision, because, as the Senator has stated, no Justice died. The Court was not changed at all. Its membership remained at six; and the first act of the Jefferson administration was to do away with the other law and also to return circuit-court duty. So is that really a precedent for anything that is now proposed?

Mr. MINTON. Yes; it is a precedent for two things. It is the first precedent for changing the size of the Court, and it is the first precedent for the Court packing itself.

Mr. President, it has been widely stated that Abraham Lincoln, when he changed the membership of the Court from 9 to 10, did so only for administrative purposes; but everybody knows that Abraham Lincoln came into fame and eventually marched to immortality as the founder of a great party, which has almost passed out of existence; that Abraham Lincoln and the Republican Party came into power and into existence fighting the Supreme Court and its decisions, and Abraham Lincoln had no delusions about the Supreme Court. No; he had plans to reverse the Dred Scott decision, and said so.

In the biography of Salmon P. Chase by Albert Bushnell Hart, I read from page 325:

> Though Catron died in May 1865 and Wayne in 1867, no successors to them were appointed, and no further change occurred till after the first Legal Tender decision in 1870. From 1865 to 1870 the Court remained made up of Lincoln's five appointees, together with Nelson, Grier, Clifford, and (till 1867) Wayne.
>
> It had thus unexpectedly been put into the power of Lincoln to carry out a plan which he himself suggested in 1858, the plan of reorganizing the Supreme Court till it should reverse the Dred Scott decision.

I think Senators recognize that Albert Bushnell Hart is one of the great scholars and one of the great historians of this country.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. MINTON. Yes; I yield to the Senator from Texas.

Mr. CONNALLY. The Senator has made some reference to the fact that Mr. Lincoln did not fill these vacancies.

Mr. MINTON. No; I did not. The Senator misunderstood me. I made no such reference.

Mr. CONNALLY. I thought the Senator read, though, that there were some places which Mr. Lincoln did not fill.

Mr. MINTON. No.

Mr. CONNALLY. I will ask this question, then: Is it not a fact that Mr. Lincoln did not fill several vacancies because of the condition of the South, from which I come, and that he did not care to fill all the vacancies because he was expecting the South to get back into the Union, according to his theory, and that the appointments would be allocated to that section? Does not that contradict the theory of the Senator that Mr. Lincoln had any intention of filling up the Court with his own partisans? If that had been the case, he would have filled it up with men in the North holding the views that he held.

Mr. MINTON. Lincoln eventually did fill up the Court with men of that stripe, and he filled every place on the Court with a good, rock-ribbed, dyed-in-the-wool Republican or Union man; and before he appointed the Chief Justice of the United States he gave the country to understand, by a statement which is widely quoted now, that he wanted a Chief Justice who would uphold what he was doing with reference to emancipation and the legal tenders.

So, Mr. President, this report—this historic document—says that the change in the size of the Court from 9 to 10 under Lincoln was done just because there was another circuit out on the West coast that had to be taken care of. I point out the fact that that circuit still existed in 1866, when the Republican Party reduced the Court from 10 to 7; and I point out the fact that it still existed in 1869, when the Republican Party again increased the size of the Court back to 9. But I submit to the Senate the best evidence I know of as to whether or not Lincoln was creating a place upon the Court in order to be sure of the nature of the Court's opinions. I shall read to the Senate in a minute from the biography of Stephen J. Field, the Justice who was appointed to fill the tenth place upon the Court. But, Mr. President, Senators will recall that in the days of the Civil War the legality of the Civil War itself was attacked in the chamber of the Supreme Court itself; and all of the country, including Abraham Lincoln, his Cabinet, and all the men and women of this Nation who were supporting the cause of the North at that time, felt great concern about what the Supreme Court might do.

There came before the Supreme Court what were known as the Prize Cases, I think about 1863, and those cases were argued before the Supreme Court by Mr. Charles Richard Dana, one of the great lawyers of the country. Finally the Supreme Court of the United States, by a divided opinion of 5 to 4, I believe, upheld the seizure by the North of the vessels concerned, and therefore upheld the blockade of the South and the legality of the war.

At that time the great Lincoln and all who surrounded him and fought that great war were much concerned. They were much alarmed about the situation in the Supreme Court, and well they might be, when they got by with a vote of 5 to 4.

So Abraham Lincoln was frightened, and everyone else was frightened, and he was not satisfied with just 5-to-4 decisions, even when he could count on them, and he was not sure he could count on them. So he had the size of

the Supreme Court increased by one in order that he could put another friend on the Court.

Now I read from the life of Stephen J. Field—Craftsman of the Law, by Carl Brent Swisher:

> The issue was raised in the Supreme Court when former owners of ships captured under the laws of war challenged the legality of the capture, declaring that no war existed, and that the laws of war, which provided for the taking of prize, could not apply. The test case, brought before the Court in February 1863, was argued for 12 days. "Contemplate, my dear sir", wrote Charles Henry Dana, one of the counsel for the United States, to Charles Francis Adams, "the possibility of a Supreme Court deciding that this blockade is illegal! What a position it would put us in before the world whose commerce we have been illegally prohibiting, whom we have unlawfully subjected to a cotton famine and domestic dangers and distress for 2 years. It would end the war, and where it would leave us with neutral powers it is fearful to contemplate. Yet such an event is legally possible—I do not think it probable, hardly possible, in fact. But last year I think there was danger of such a result, when the blockade was new, and before the three new judges were appointed. The bare contemplation of such a possibility makes us pause in our boastful assertion that our written Constitution is clearly the best adapted to all exigencies, the last, best gift to man."

Professor Swisher continues:

> The 5-to-4 decision of the Court, which was handed down March 10, 1863, came as a great relief to the friends of the Union. Justice Grier, reading the majority opinion, held that the conflict was, indeed, a war, and that the blockade was legal. At the same time, however, he endeavored to establish the fact that the Confederacy was not a separate and independent power, entitled to be recognized as such by foreign governments. Chief Justice Taney and Justices Catron and Clifford concurred with Justice Nelson in his dissenting opinion, arguing that the status of war had never been conferred upon the struggle.

Mark this, Senators:

> The closeness of the vote in the Supreme Court showed the danger to be very real that the conduct of the war might be at least inadvertently sabotaged by judges who were more deeply devoted either to the South or to their conceptions of the law than to the immediate needs of the Government. This type of situation, together with the apprehension that others similar to it might arise, made all the more insistent the demand that the personnel of the Court be so changed that the country would be in no further danger from that quarter.

Who would be better authority to speak upon the question of whether or not Stephen J. Field went upon the Supreme Court of the United States in order that Lincoln might be sure about the war opinions than the biographer of Stephen J. Field? He said that was the prime consideration, and we know that because of the hysteria that was abroad in the country at that time. The friends of the Union changed the personnel of the Court in order that they could get Unionist opinions from the Supreme Court.

Mr. BURKE. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Nebraska?

Mr. MINTON. I yield.

Mr. BURKE. If the very life of the Nation was at stake at that time and depended upon one vote upon the Court, how does the distinguished Senator from Indiana account for the President in adding only one member, if that was his purpose, an example of moderation as compared with the proposal, which the Senator has eulogized, to add six members to the Court?

Mr. MINTON. Lincoln evidently was quite sure of his men. I do not think we can say the same about the present majority on the Supreme Court. Any court that can hand down the opinions it handed down a year ago, and then in 10 months or a year hand down the opinions it has handed down this year, is certainly not a thing to be trusted, let alone worshiped.

Mr. President, in the light of the historic facts as revealed by the documents which are in existence, which the writers of this historic document now before us knew nothing about, the assertion in the historic document that the Court had never been changed in order that there might be opinions which the administration wanted from the Supreme Court is in head-on collision with the facts I have read into the RECORD.

Mr. BURKE. Mr. President, will the Senator yield at that point for just one question?

Mr. MINTON. I yield.

Mr. BURKE. Does the Senator at this point admit that the reason why he is supporting the bill, and the purpose of it, is that he desires to have a Court which will render the kind of decisions he wants? I understood that to be his statement.

Mr. MINTON. Not at all; I am only talking about the historic document the Senator signed. In that historic document, in half apologetic manner, but first in a very apologetic manner, the writers admit that there is one precedent in history when the Supreme Court was changed for political reasons. The Congress of the United States in 1863 had increased the Court from 9 to 10, but in 1866, after the war was over, they reduced the size of the Court from 10 to 7. That was done to thwart Andrew Johnson, and the historic document condemns that.

They do not say anything about the change in 1869, when the size of the Supreme Court was changed again, after 2 or 3 years, from 7 back to 9, as it has remained to this day. It was done in order that Grant might have an appointment upon that Court, because the thing that was burning the country at that time was the question of the legality of the Legal Tender Act, then pending before the Supreme Court of the United States.

I think it has been asserted perhaps by some that Grant did not know what the Supreme Court was going to decide in that opinion, and that he did not know as to whether or not the men whom he was putting on the court would give him the kind of opinion he wanted.

I read from the recently published diary of Hamilton Fish, under the entry of October 28, 1876:

> Grant said that on on that subject it would be difficult for him to make a statement; that although he required no declaration from Judges Strong and Bradley on the constitutionality of the Legal Tender Act, he knew Judge Strong had on the bench in Pennsylvania given a decision sustaining its constitutionality, and he had reason to believe Judge Bradley's opinion tended in the same direction; that at the time he felt it important that the constitutionality of the law should be sustained, and while he would do nothing to exact anything like a pledge or expression of opinion from the parties he might appoint to the bench, he had desired that the constitutionality should be sustained by the Supreme Court; that he believed such had been the opinion of all his Cabinet at the time.

Now, with the knowledge that Grant knew what the opinion was going to be, I quote the reminiscences of Mr. George S. Boutwell, who was at that time the Secretary of the Treasury. It will be recalled that Chief Justice Chase was at one time Secretary of the Treasury. He fully appreciated the great problems that would be upon the shoulders of the Secretary of the Treasury if the Legal Tender Act were declared unconstitutional. So he tipped off Mr. Boutwell as to what the Supreme Court would decide, because Mr. Boutwell says in his reminiscences that he was informed of the first legal tender decision by Chief Justice Chase himself about 2 weeks before its public delivery on February 7, 1870. Chase justified the unusual procedure by stating that he feared the Court's decision would cause the creditor class to rush for gold and thereby create serious financial difficulties for the Treasury.

So what was the situation when the Legal Tender case was pending? Grant wanted the act sustained, as Fish has said. Grant had had two others nominated to the Court, one turned down, and one accepted, but the latter died. Grant knew that Justice Strong when he was on the bench in Pennsylvania had handed down an opinion upholding the constitutional validity of the Legal Tender Act. He knew that Mr. Justice Bradley had rendered a private opinion to the railroads which he represented that Legal Tender Acts were constitutional. So Grant knew that he wanted the act to be held constitutional, he knew that Strong and Bradley knew that he wanted it to be held constitutional, and they had a record of constitutionality on it. Grant knew what he wanted, he knew that Bradley and Strong knew what he wanted, and they knew that Grant knew

that they knew what he wanted, and after they were appointed on the Supreme Court they gave him what he wanted. I do not know whether that would be called "packing" or not.

Mr. BURKE. Mr. President, will the Senator yield for a question?

Mr. MINTON. I yield.

Mr. BURKE. When did the Congress of the United States restore the membership of the Court to nine, thereby creating one vacancy that the President could fill? When did they do that with reference to the decision in the Legal Tender cases?

Mr. MINTON. Afterward, but just as soon after the 4th of March as they could get it; on April 10.

Mr. BURKE. Afterward?

Mr. MINTON. Yes.

Mr. BURKE. It was almost a year before.

Mr. MINTON. Oh, no.

Mr. BURKE. Let me ask the Senator——

Mr. MINTON. A year before what?

Mr. BURKE. A year before the Legal Tender decision.

Mr. MINTON. I am talking about when Congress passed the act. It was passed before the Legal Tender decision came down, of course.

Mr. BURKE. Let me ask the question in this way, then: We have just had the facts recited by the able Senator with reference to the appointment of these two judges to the Court, one to fill a vacancy that occurred in the normal way and one to fill a vacancy created by increase in the membership of the Court to its old figure of nine. Is it not a fact that it was almost exactly a year prior to the time President Grant sent these two names to the Senate that this vacancy had been created on the Court by increasing its membership to nine?

Mr. MINTON. That is true. The act was passed in April 1869, but did not go into effect until December 1869.

Mr. BURKE. Let me now ask the Senator a further question. Is it not a fact that the Senator's precedent falls completely to the ground when it appears that the vacancies, one created in the normal way and one created by act of Congress, came into being long before the President came to examine, as the Senator says, the social and economic and financial views of the men whose names he was going to send to the Senate?

Mr. MINTON. The precedent does not fall down and fail to support my contention. It might fail to support the straw man which the Senator from Nebraska had in mind, but the precedent stands in support of my contention; namely, that the Congress of the United States has the power to change the size of the Supreme Court, and that President Grant had the size of the Supreme Court changed, or at least Congress changed it in order that he might get the opinion he wanted, and he got it, because the very day those names went to the Senate of the United States to be confirmed the Supreme Court handed down the Legal Tender decision. But they had a reargument after they got Strong and Bradley upon the Supreme Court; they phenagled around on the Supreme Court by the devious way of politics that the Senator from Pennsylvania [Mr. GUFFEY] pointed out yesterday, and they got a reargument of the Legal Tender cases in the Supreme Court; and in less than a year's time after they got Strong and Bradley on the Court they turned a 5-to-4 opinion against the constitutionality in the Legal Tender cases to a 5-to-4 decision in favor of the constitutionality of that act; and Mr. Justice Strong, one of the appointees of President Grant, wrote the opinion.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. O'MAHONEY. Am I to understand the contention of the Senator from Indiana to be that increasing the membership of the Supreme Court for the purpose of influencing its opinion is a justifiable proceeding?

Mr. MINTON. I have not got to the point of saying so. I am referring to the historic document which the Senator from Wyoming signed.

Mr. O'MAHONEY. Does the Senator——

Mr. MINTON. I decline to answer questions along that line, because I am not arguing along that line. I am pointing out the historic document which the Senator from Wyoming signed, in which he said there was not any precedent for what this bill proposes to do.

Mr. BURKE. Mr. President, will the Senator yield for a question on that viewpoint?

Mr. MINTON. Not at this time.

Mr. BURKE. The Senator declines to yield?

Mr. MINTON. I will yield later on.

Mr. BURKE. Very well.

Mr. MINTON. The Senator's questions are quite involved, and it takes a great deal of my time to get them straightened out.

Mr. BURKE. This would be a very simple question—one that the Senator could understand.

Mr. MINTON. If the Senator should propound it, I doubt if anyone could understand it.

Mr. President, a great deal has been said about packing the Supreme Court. I do not know what is meant by packing the Supreme Court, if the Supreme Court does not pack itself. We have had an exhibition of packing on behalf of the Court for which there was precedent in the days of Cushing, and that was practiced by the present Supreme Court. What do Senators think Mr. Justice Van Devanter was doing on the Supreme Court the last 3 years he was on the bench, when he wrote only about two opinions a year? He was not working. He was sitting there packing the Court so that President Roosevelt could not appoint his successor.

What do Senators think Mr. Justice McReynolds has been doing on the Supreme Court for the past 3 years, when he has averaged only a little more than five opinions a year? He is not working. He is sitting there packing the Court so that President Roosevelt cannot appoint his successor.

Pack the Court? Why, Senators, the thing the President of the United States proposes in this bill has been done by the most illustrious men in the history of this Nation. The President of the United States asks simply for appointments to the Supreme Court; and I prefer to believe that my President today in the White House looks to the shrine of Mount Vernon, and looks at the shrine erected to the great Abraham Lincoln in the lower end of the city along the Potomac River, and casts his eyes occasionally on the high peak in Washington on which stands the National Cathedral, where rest the bones of the immortal Woodrow Wilson. I like to think that my President in the White House is a statesman, is patriotic, is as honest and honorable as any Member of the United States Senate or any man who ever sat in the White House. Believing that, as I do sincerely and from the bottom of my heart, I think that if this bill were enacted into law Franklin D. Roosevelt would approach the performance of his sacred duty in naming Justices to the Supreme Court Bench just as George Washington did in the beginning days of the history of this Republic.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. MINTON. Not at this time.

George Washington appointed to the bench 13 men, and every last one of them was a Federalist. Why? He wanted Federalist opinions.

Mr. AUSTIN. Mr. President——

Mr. MINTON. I like to think of what that great commoner, Abraham Lincoln, said when he came to fill a vacancy upon the Supreme Court, and that the man in the White House remembers it now.

Mr. AUSTIN. Mr. President——

Mr. MINTON. Abraham Lincoln said, when he had up for consideration the question of appointing men to the Supreme Court—and he was engaged at that time in a great war to save the Union—that he wanted a Chief Justice who would uphold what he was doing concerning legal tender to finance that war, and what he was doing concerning emancipation, in order to increase his economic power and force.

I like to think that my President of the United States today, when he approaches the question of filling a place

upon the Supreme Court, would approach it just as Theodore Roosevelt did in his day when he had a vacancy upon the Supreme Court to fill and the name of the immortal Oliver Wendell Holmes was suggested. He did not at first accept Holmes, although he knew him, as everybody knew him, to be a man of splendid family and background, a great soldier of the Civil War, and that he was a great jurist in his own State. Yes; all of those things were widely known, and known by President Theodore Roosevelt at that time.

Mr. AUSTIN. Mr. President, will the Senator yield at this point?

Mr. MINTON. But Theodore Roosevelt said to the late Senator from Massachusetts, Mr. Lodge, who sponsored the appointment of Mr. Holmes, that while he knew all of Mr. Holmes' background, and thought it was fine, he was not satisfied to appoint him to the Supreme Court until he had had him down at the White House to spend a week end. For what purpose? In order that Theodore Roosevelt might determine whether or not Holmes felt about "these questions" as did Theodore Roosevelt and Senator Lodge felt about them.

So I like to think that this second Roosevelt in the White House would do just exactly what the first Roosevelt did—consider everything in the case, but, most of all, whether or not a man, if he went upon the Bench, would go with an open mind and would not be committed to a certain line of thought.

I should like to think that the President of the United States today, who is the next Democrat in line of succession to the great Woodrow Wilson, when he came to appoint a man to the Supreme Court of the United States would have in mind what Woodrow Wilson said on a similar occasion when he was considering an appointment to the bench of the Federal Court, and he asked the sponsors, "Does your candidate believe that the law is finished, or that it grows?"

So I have faith to believe that the man in the White House, if given the constitutional power under this bill—and that is all that is asked—to fill vacancies on the Supreme Court of the United States, will not suffer when his attitude is compared with that of the great Father of his Country, the savior of our country, one of the greatest progressives of all times, and the immortal Wilson.

Mr. AUSTIN. Mr. President, will the Senator yield at that point?

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Vermont?

Mr. MINTON. I yield.

Mr. AUSTIN. When the Senator from Indiana makes a comparison between the author of the original bill before us and George Washington, the Father of his Country, I ask the Senator whether he considers this part of the immortal Farewell Address of George Washington, namely?—

> It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism.

Mr. MINTON. Yes, Mr. President; I have in mind that admirable address of the Father of his Country, and I know of nobody it could be read to better than to the Supreme Court of the United States. If anybody has set up a despotism in this country it is the 5-to-4 decisions that prevail in the Supreme Court of the United States. What is the liberty of this country? What are the rights of American citizens? Who knows until Roberts makes up his mind? [Laughter.]

Mr. AUSTIN. Mr. President, will the Senator yield further?

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Vermont?

Mr. MINTON. I yield.

Mr. AUSTIN. In connection with his reference to Theodore Roosevelt, one-time President, and a distinguished President, of the United States, I ask the Senator when he compares the author of this bill to that former Roosevelt, whether he remembers the attitude of that Roosevelt toward the independence of the judiciary?

Mr. MINTON. I remember it very well, indeed.

Mr. AUSTIN. Just a moment; I have not finished my question. It was expressed by Theodore Roosevelt as follows, as taken from the Review of Reviews for September 1896:

> Furthermore, the Chicago convention attacked the Supreme Court. Again this represents a species of atavism; that is, of recurrence to the ways of remote barbarian ancestors. Savages do not like an independent and upright judiciary. They want the judge to decide their way; and if he does not, they want to behead him.

Does the Senator consider that statement in making the comparisons which he makes today?

Mr. MINTON. In what year was that statement made?

Mr. AUSTIN. In 1896.

Mr. MINTON. That is like oxtail soup; it is going a long way back for something good. [Laughter.] I will give the Senator something a little closer to the present time, something said by Theodore Roosevelt in 1912, when he was a candidate of the Progressive Party for President of the United States, upon a platform that declared for the recall of judicial decisions. Even to mention that proposal makes the hair curl on the top of the head of the Senator from Vermont. [Laughter.]

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. MINTON. I yield to the Senator from Kentucky.

Mr. BARKLEY. I ask the Senator from Indiana whether he recalls the fact that the same Theodore Roosevelt before the Legislature of Colorado in 1910 denounced the Supreme Court for a decision which it had then recently rendered, and in that speech stated that if the Supreme Court were to be permitted, uncurbed, to render such decisions the liberties of the American people and the rights and powers of Congress would be nullified?

Mr. MINTON. The Senator is correct; I am glad to have that contribution.

Mr. JOHNSON of California. Mr. President——

Mr. MINTON. I am delighted to yield at this point to the Senator from California.

Mr. JOHNSON of California. I want to set the record of Theodore Roosevelt straight. There was a time when, like all the rest of us, he abused the Supreme Court and denounced opinions which were rendered, but there never was a time when he stated it otherwise than that the question of the reformation of the Court should go to the people.

Mr. MINTON. I did not yield except for a question; but that is all right. The Senator has completed his statement, but I cannot yield for other than questions.

Mr. STEIWER. Mr. President, will the Senator yield to me?

Mr. MINTON. I yield to the Senator from Oregon.

Mr. STEIWER. In reference to injecting the name of President Wilson into this discussion, I want to ask the Senator from Indiana if he recalls that Woodrow Wilson once characterized the proposal to increase the membership of the Supreme Court for the purpose of changing its opinions as an outrage on constitutional morality?

Mr. MINTON. Yes; I remember that. It was a statement made in his callow youth, before he had had any experience as President of the United States. The statement, as I recall, was in a thesis which he prepared for a doctor's degree at Johns Hopkins University.

Mr. BURKE. Mr. President, will the Senator yield at that point for a question?

Mr. MINTON. Yes; I yield.

Mr. BURKE. Is the Senator able to cite any address or utterance of Woodrow Wilson to show that he ever changed his view as expressed in that statement which appears in his great work on constitutional government in this country?

Mr. MINTON. No. I think that answers are given to problems as they present themselves, and I do not think Woodrow Wilson ever had to meet the problem that the

present administration has had to meet because of the Supreme Court.

Mr. BURKE. Will the Senator yield to one further question?

Mr. MINTON. No; I wish to get through.

Mr. BURKE. Will not the Senator yield for just one question?

Mr. MINTON. No.

The PRESIDENT pro tempore. The Senator from Indiana declines to yield.

Mr. MINTON. I should like to get along; I am going to conclude in a few moments, and then the Senator from Nebraska may have the floor in his own time.

Mr. O'MAHONEY. Mr. President, may I ask if that declination includes me also?

Mr. MINTON. Yes; I do not want to be partial. I always want to include the Senator from Wyoming in anything that I have to give.

Mr. O'MAHONEY. I knew that the Senator would be that generous.

Mr. MINTON. If there is anybody I want to be generous to it is the Senator from Wyoming.

Mr. President, this "historic" document accuses the President of the United States of trickery. It accuses the President of the United States of underhanded methods, of trying to undermine the Constitution and to mislead somebody. Of course, I know the Senators who signed the report did not mean it in that way. There is not an eminent Senator who signed that report who would make that plain, bald-faced statement. No; there is not any Senator who believes that to be so. The Senators who signed the report do not believe it. They would not practice trickery themselves; oh, no. If they did, it would be by inadvertence and I think it is by inadvertence that the statement is in this report. But it is practiced and I propose to point out in this "historic" document where the authors of this "historic" document wrote in it some citations that do not support them, some citations that do not bear out the thesis of this "historic" document at all.

Under the heading of "Court Has Protected Human Rights", cases are cited to that effect. One case is entitled "The American Foundries Against Tri-City Council", and the report quotes from the opinion of the Supreme Court, which throws bouquets at labor and sets forth what labor can do and what it cannot do. However, Mr. President, everyone who knows anything at all about the opinions of the Supreme Court knows that that was one of the worst opinions for labor that the Supreme Court ever handed down, and that bouquet was thrown to labor preparatory to cutting out its heart. In that case the Supreme Court proceeded in the attitude of a judge who has before him a poor unfortunate condemned to the gallows, to whom he says in a very gallant way, "Before I pronounce judgement upon you, have you anything to say why judgment should not be pronounced?" In that spirit the Supreme Court said what the committee set forth in the report that it did say. In that case the Court threw that bouquet at labor, and then proceeded to cut the heart out of labor. That opinion recited in this "historic" document as one of the charters of labor's freedom was one of the worst opinions that labor has ever encountered at the hands of any court. The Court held, for instance, that, while labor had the right of picketing, there could only be one picket at each gate. That opinion led to the enactment of the LaGuardia-Norris anti-injunction law. That is the splendid record of the Supreme Court in upholding the rights of labor that is cited in this "historic" document.

Of course, I know the Senators did not cite that case in order to mislead anybody. They could not do so, because everyone who knows anything at all about the Supreme Court decisions knows that that was one of the worst opinions ever handed down by the Court. My old partners in the practice of the law always taught me to read the opinions before I cited them.

Under the same heading is another great opinion, where it is stated the Supreme Court had set out to strike down a law of Congress in the interest of civil liberties. The committee cited the Milligan case that came up from my State of Indiana during the Civil War.

I want to read the brief paragraph they wrote about the Milligan case where the Supreme Court allegedly stood as a bulwark against the Congress of the United States and struck down one of its laws.

According to this "historic" document:

> In the Milligan case, in the midst of the frenzied wake of the Civil War, it was the Supreme Court which sustained a citizen against an act of Congress, suspending the right of trial by jury.

That is an erroneous statement. In re Milligan never involved an act of Congress, not even an act of a legislature. Milligan had been convicted by a drumhead court set up by the military governor of the State of Indiana. He was tried before that military court in the State of Indiana, where the courts had always been open and functioning. It was a drumhead court such as might be set up by the vigilantes or the C. I. O. today. It was not an act of Congress that was involved, it was not an act of a legislature that was involved, and the Supreme Court did not go to the rescue of a citizen against the Congress of the United States.

In the opinion in the case of In re Milligan, at page 121, the Supreme Court said:

> It is not pretended that the commission was a court ordained and established by Congress. One of the plainest constitutional provisions was, therefore, infringed when Milligan was tried by a court not ordained and established by Congress and not composed of judges appointed during good behavior.

So this "historic" document carries in it that error as well as the one to which I referred a while ago.

Mr. President, I will state, for the benefit of my colleagues who have manifested some interest in my views, that I think the present bill before the Senate of the United States would do. In a constitutional manner, if enacted into law, it would create places on the Supreme Court that Franklin D. Roosevelt would have the right to fill. As I tried to point out a while ago, I do not conceive that he would make those appointments in any other spirit than did his great predecessors. I do not conceive that appointments to the Court are to be made for the purpose of changing the opinions of the Court. I hope they would be changed. What I think the President of the United States should do, and what I think he would do, would be to try to place on the Court open-minded men like Justice Brandeis, Justice Cardozo, and Justice Stone, so that when a question came before the Supreme Court of the United States the members of the Court would enter upon a consideration of it with open judicial minds. I have no doubt that Justice Cardozo and Justice Brandeis and Justice Stone do not agree with many things the New Deal has been doing; but when they approach the consideration of a question before the Supreme Court, they do so with open judicial minds, looking solely to the power of Congress and not trying to dictate the policy of Congress.

Mr. MALONEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Connecticut?

Mr. MINTON. I yield.

Mr. MALONEY. The Senator's reference to Justice Brandeis, Justice Stone, and Justice Cardozo reminds me of a statement made during the hearings on the bill by some of the witnesses who favored the original bill. Each of them, if I remember correctly the names used by them, said he would be willing to abide at all times by the opinions of Justices Brandeis, Stone, and Cardozo. I wonder if the Senator from Indiana feels that way.

Mr. MINTON. Let me answer the Senator in this way: I yield to no one in my very high regard for any member of the Supreme Court. I respect them and the high positions they hold; but I revere sincerely and deeply Justices Brandeis, Stone, and Cardozo. Much has been said on the floor of the Senate about that grand old liberal, Justice Brandeis, and nothing too good can be said about him by anybody,

anywhere, at any time. But I remind Senators that during the long years of service of that grand old liberal upon the Supreme Court of the United States, three-fourths of the time, he has been dissenting against the opinions of the majority of the Court. I want to bring relief to Justice Brandeis and men like him, whether they want it or not. [Laughter.] I entertain hope for the Brandeis brand of the law.

Mr. MALONEY. Mr. President, will the Senator yield further?

Mr. MINTON. I yield.

Mr. MALONEY. I do not think the Senator answered my question, and I am disappointed that I could not get an answer to my earlier question as to whether or not each administration is entitled to a sympathetic Supreme Court.

Mr. MINTON. I said each administration is entitled to an open-minded Court. I do not intend to answer "yes" or "no" to the Senator's question.

Mr. MALONEY. I think it is a very fair question, and I think upon the answer to it hinges the importance of this debate. If each administration is entitled to a sympathetic Supreme Court, it seems to me the issue is pretty definitely decided.

Mr. MINTON. Is the Senator propounding to me a question as to whether or not each administration ought to have a sympathetic Supreme Court?

Mr. MALONEY. Yes; I am asking that question.

Mr. MINTON. The answer is "No"; and I qualify it by saying that each and every administration is entitled to have an open-minded Court.

Mr. MALONEY. I ask the Senator from Indiana whether or not he is sympathetic toward the oft-repeated statement made in the hearings concerning Justices Brandeis, Stone, and Cardozo. I wonder if the Senator will answer that question. Several witnesses before the committee said that they would at all times, if I remember correctly, accept the opinion of those three Justices. I wonder if the Senator from Indiana subscribes to that statement.

Mr. MINTON. If Justices Cardozo, Stone, and Brandeis should continue along the same line of conduct, I think I should, even though I might not agree with what they said.

Mr. MALONEY. How would the Senator feel if those three Justices were opposed to the bill now before the Senate?

Mr. MINTON. I would feel that old age was approaching them. [Laughter.]

Mr. President, I have concluded what I have to say about this "historic" document; and I express the hope that what I have said will be considered as directed to the document, and not as personal.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. O'MAHONEY. Are we to understand that the Senator is going to conclude without talking about the bill?

Mr. MINTON. I have talked about it. The Senator was out in the cloak room telling a joke. I heard it. [Laughter.]

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY] to the amendment in the nature of a substitute.

EXECUTIVE SESSION

Mr. WHEELER. Mr. President, I had spoken to the Senator from Kentucky [Mr. BARKLEY] about the fact that I expect to address the Senate upon this question. I thought we had an understanding that I should not be compelled to speak until tomorrow. I think that is a common courtesy which ought to be extended to me, as it is now 20 minutes past 4.

Mr. ROBINSON. Very well, Mr. President; I think that is a reasonable suggestion. We have had an extremely illuminating debate today; and if there is no other business to come before the Senate at this juncture, I shall move an executive session.

I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. Reports of committees are in order.

If there be no reports of committees, the clerk will state the nominations on the calendar.

POSTMASTER

The Chief Clerk read the nomination of William J. Hughes to be postmaster at Loris, S. C.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

IN THE NAVY

The Chief Clerk proceeded to read sundry nominations in the Navy.

Mr. ROBINSON. I ask unanimous consent that the various nominations in the Navy be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, it is so ordered, and the nominations are confirmed.

DEPARTMENT OF STATE

The Chief Clerk read the nomination of George S. Messersmith, of Delaware, to be an Assistant Secretary of State.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. ROBINSON. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nomination of Mr. Messersmith.

The PRESIDENT pro tempore. Without objection, it is so ordered, and the President will be notified.

DIPLOMATIC AND FOREIGN SERVICE

The Chief Clerk read the nomination of Jefferson Caffery, of Louisiana, to be Ambassador Extraordinary and Plenipotentiary to Brazil.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of J. Butler Wright, of Wyoming, to be Ambassador Extraordinary and Plenipotentiary to Cuba.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Hugh S. Gibson, of California, to be Ambassador Extraordinary and Plenipotentiary to Belgium; also Envoy Extraordinary and Minister Plenipotentiary to Luxemburg.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. LEWIS. Mr. President, I have been requested to bring to the attention of the Senate the very great service rendered by the former Ambassador to Cuba, now made Ambassador to Brazil, and by the two gentlemen from the State of Illinois, Mr. Atherton and Mr. Harrison, who have been nominated, respectively, to represent our country in Bulgaria and in Switzerland. As to their service I shall not enter into detail, but I desire to assure the Senate that their nominations are very much appreciated in their homes, and their confirmation very much desired.

The Chief Clerk read the nomination of Grenville T. Emmet, of New York, to be Envoy Extraordinary and Minister Plenipotentiary to Austria.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Ray Atherton, of Illinois to be Envoy Extraordinary and Minister Plenipotentiary to Bulgaria.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Wilbur J. Carr, of New York, to be Envoy Extraordinary and Minister Plenipotentiary to Czechoslovakia.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Ferdinand L. Mayer, of Indiana, to be Envoy Extraordinary and Minister Plenipotentiary to Haiti.

The PRESIDENT pro tempore. Without objection the nomination is confirmed.

The Chief Clerk read the nomination of Leland Harrison, of Illinois, to be envoy extraordinary and minister plenipotentiary to Switzerland.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of William E. Chapman, of Oklahoma, to be secretary in the diplomatic service.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

WORKS PROGRESS ADMINISTRATION

The Chief Clerk read the nomination of Fred G. Healy to be State administrator for New Mexico.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

RECESS

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 22 minutes p. m.) the Senate took a recess until tomorrow, Friday, July 9, 1937, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 8 (legislative day of July 6), 1937

ASSISTANT SECRETARY OF STATE

George S. Messersmith to be an Assistant Secretary of State.

DIPLOMATIC AND FOREIGN SERVICE

Jefferson Caffery to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brazil.

J. Butler Wright to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Cuba.

Hugh S. Gibson to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium; also Envoy Extraordinary and Minister Plenipotentiary to Luxemburg.

Grenville T. Emmet to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Austria.

Ray Atherton to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Bulgaria.

Wilbur J. Carr to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Czechoslovakia.

Ferdinand L. Mayer to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Haiti.

Leland Harrison to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Switzerland.

William E. Chapman to be a secretary in the Diplomatic Service of the United States of America.

WORKS PROGRESS ADMINISTRATOR

Fred G. Healy to be State administrator in the Works Progress Administration for New Mexico.

PROMOTIONS IN THE NAVY

TO BE CAPTAINS

Olaf M. Hustvedt
Harold C. Train

TO BE COMMANDERS

Laurance F. Safford
Paul R. Glutting
Alexander D. Douglas
Theodore M. Waldschmidt

TO BE LIEUTENANT COMMANDERS

Joseph A. Connolly
Alfred M. Granum
Joel Newsom
Harold A. Carlisle

TO BE LIEUTENANTS

Lloyd J. S. Aitkens
Ernest R. Perry
Harry M. Denty
John E. Burke
Stephen N. Tackney
George K. Huff
William D. Thomas
Frank M. Adamson
Samuel C. Anderson
Gerald L. Huff
William L. Kabler
Clayton C. Marcy
Roy S. Benson

TO BE LIEUTENANTS (JUNIOR GRADE)

Julian S. Hatcher, Jr.
Carl R. Tellefsen
Albert G. Pelling
Harold J. Von Weller
Jesse B. Burks
Theodore H. Brittan
Eugene B. Hayden
Christopher S. Barker, Jr.
Paul D. Duke
Robert A. Dawes, Jr.
Harry S. Atherton
Harley K. Nauman
Brown Taylor
Cedric W. Stirling
Albert L. Becker
Eugene C. Rider
Ernest E. Christensen
George E. T. Parsons
Harry L. Thompson, Jr.
Allyn Cole, Jr.
Lowell S. Price
George M. Clifford
Edgar J. Hailey
Richard H. O'Kane
Curtis H. Hutchings
Wilbur H. Cheney, Jr.
Robert E. Wheeler
William N. Deragon
Robert A. Chandler
Robert B. Crowell
Raymond Payne
Edward J. Mulquin
Francis E. Fleck, Jr.
Thomas W. South, 2d
James E. Vose, Jr.
John L. Foster
Russell B. Allen

TO BE MEDICAL INSPECTORS

William D. Davis
Hardy V. Hughens
Henry Charles Weber
Roger D. Mackey
Paul P. Maher
Frederick W. Muller
Maurice S. Mathis
William W. Hall

TO BE PASSED ASSISTANT SURGEON

Clark G. Grazier
Adrian J. Delaney
James A. Price

POSTMASTER

SOUTH CAROLINA

William J. Hughes, Loris.

HOUSE OF REPRESENTATIVES

THURSDAY, JULY 8, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, our God and our Father, from whom nothing is hid, cleanse our thoughts by the inspiration of Thy holy spirit. Help us to be free from all guile, and with firm and steadfast steps may we walk worthy of our vocation. Let Thy word be a lamp unto our feet. Love thinketh no evil. A soft answer turneth away wrath. Behold how good and how pleasant it is for brethren to dwell together in unity. A good deed touches the hearts of men. God is love. We pray Thee, Heavenly Father, that we may treasure Thy teaching in our hearts. Bid us go forward to the things that make for contentment, peace, happiness, and good will. May they be accentuated in the home, State, and Nation, to the honor and glory of Thy holy name. Under all the conflicting circumstances of public and private life we pray Thee to help us quit ourselves like men. In the name of Jesus. Amen.

The Journal of the proceedings of Tuesday, July 6, 1937, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 379. Joint resolution authorizing Federal participation in the New York World's Fair, 1939.

The message also announced that the Senate agrees to the amendment of the House to the joint resolution (S. J. Res. 88) entitled "Joint resolution providing for the participation of the United States in the world's fair to be held by the

San Francisco Bay Exposition, Inc., in the city of San Francisco during the year 1939, and for other purposes."

The message also announced that the Senate insists upon its amendments to the bill (H. R. 2229) entitled "An act for the relief of Florida O. McLain, widow of Calvin E. McLain", disagreed to by the House, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BAILEY, Mr. HUGHES, and Mr. CAPPER to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 114. An act for the relief of Mildred Moore;

S. 828. An act for the relief of Ellen Taylor; and

S. 1934. An act for the relief of Halle D. McCullough.

NONMILITARY ACTIVITIES, WAR DEPARTMENT, APPROPRIATION BILL—1938

Mr. SNYDER of Pennsylvania submitted conference report (No. 1187) and statement on the bill H. R. 7493, making appropriations for the fiscal year ending June 30, 1938, for civil functions administered by the War Department, and for other purposes.

EXTENSION OF REMARKS

Mr. LAMNECK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a speech delivered over the radio by Gen. Hugh Johnson on June 15, 1937.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KRAMER and Mr. DICKSTEIN asked and were given permission to extend their own remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. WARREN. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

THREE HUNDRED AND FIFTIETH ANNIVERSARY OF THE BIRTH OF VIRGINIA DARE

Mr. WARREN. Mr. Speaker, I wish to extend a very genuine and sincere invitation to all Members of the House and their families to visit a celebration that is now taking place at Fort Raleigh, Roanoke Island, N. C. This commemorates the oldest event in our history, as it is the three hundred and fiftieth anniversary of the birth of Virginia Dare, the first child of English parentage to be born on this continent, and the same anniversary of the disappearance of Sir Walter Raleigh's last colony, known in history as the Lost Colony.

Mr. Speaker, had this occurred in any other section of the Nation, I am sure that the Congress would have been asked to appropriate at least a million dollars to commemorate the event. We, however, decided upon another course and asked for nothing. A coin bill was passed, the President has authorized the issuance of a special commemorative stamp, and the Congress will be represented by a special committee. We desired nothing more.

There is a pageant entitled "The Lost Colony" being shown on each Friday, Saturday, and Sunday night for the next 5 weeks, as well as on certain special nights. It was written by Paul Green, the noted playwright and Pulitzer prize winner, and is under his personal supervision. I can only describe this pageant as something beautiful and grand, and every American ought to see it. The natural amphitheater seating 4,000 people goes down to the edge of the water where Sir Walter Raleigh's ships first landed, and the entire setting with the lighting effect is really magnificent. It will not be commercialized and there will be no news reels or motion pictures made, nor will the play be shown at any other place but Fort Raleigh. The celebration will reach its climax on August 18 when President Franklin D. Roosevelt will deliver the address.

Roanoke Island, N. C., is 300 miles from Washington, D. C., by an all-paved road. Visitors from here should go to Petersburg, Va., and then on to Suffolk and Norfolk, Va., and on to Roanoke Island. There are no toll bridges in North Carolina. Accommodations may be secured at several hotels on the beach at Nags Head, N. C., a very popular summer resort about 6 miles from Fort Raleigh.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and also include a short speech I made at Fort Raleigh on the night of July 4.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The address referred to follows:

We initiate tonight the beginning of a commemoration that signified the first civilization on the American Continent for July 4, 1584, the date of the first landing of the English on this soil, is in truth the birthday of the American people.

Three hundred and fifty years have passed since the first of the English set their feet, built their dwellings, sowed their crops, and performed their religious devotions in the western world. Three and a half centuries have fled since upon this small island the first English women crossed the ocean to find homes upon a newly discovered land, and one of whom gave birth on this spot to the first English child who saw the light of day in the New World.

On past occasions the hardihood and courage of those who made up the three expeditions of Sir Walter Raleigh have been extolled. That they crossed trackless and uncharted seas, that they suffered untold hardships and privations; that they set themselves down in the wilderness among another and unfriendly race; that they founded here a government and lived under its laws; and that they finally disappeared in an unsolved fate, has all been recounted by the historians through the ages.

Officially we look upon the celebration as the anniversary of the disappearance of the third and last colony that came here, known as the Lost Colony. We observe the same anniversary of the birth of a baby girl, who was the first of her race in this land.

To me these annual occasions have always had a far greater significance. I would never minimize that this was Virginia Dare's birthday. There is a romanticism that will always attach to her memory. But all we know is that here she was born, here she was christened by the Church of England, and here she was a suckling babe. After that all is mystery.

We should never give significance to the fact that the colonists failed to establish here a permanent settlement. That the light of civilization kindled here failed, and that the repeated effort to plant the colony ended in disaster, counts for nothing. The history of the Anglo-Saxon is full of failure, but each failure has marked a surer and firmer advance. It merely illustrates the fiber and splendid tenacity of the race. What we should never lose sight of is that here was the first feeble effort by the English to possess and to colonize, which in the fullness of time was to bring forth the great galaxy of States forming the American Union, and was to make the British Empire a place upon which the sun never sets.

Had there been no Roanoke Island and Fort Raleigh, it is doubtful if there would have been a Jamestown or a Plymouth Rock, for in the intervening time the boundaries of nations were changing, but the right of settlement had been established here and no one dared to dispute the grant of England's virgin queen.

How fortunate it was for America and for humanity that this first lodgment on our coast was by a race ardently attached to freedom and personal liberty and trained to the usages and customs of the realm of England. What a rich heritage has come to us from across the seas. Ties of language, friendship, and blood have linked us together until today we stand as the only two great democracies on earth. May God preserve this common friendship and may it always exist between the two great English speaking races. So long as that continues, so long as the liberties of their people are cherished and protected, then so long will civilization exist. World peace, contentment, and happiness will not depend upon leagues of nations and world courts, as it will depend upon the sustained friendship and mutual understanding of our two great countries.

So, when we embark tonight upon an occasion that will bring thousands to this hallowed spot, let us not forget that the 91 men, 17 women, and 11 children who disappeared from the face of the earth, were but the vanguard of the greatest colonization that the world has ever known, and it was by a people from whose loins we sprang. Let us not forget that Virginia Dare was the forerunner of the countless millions that came after to constitute a mighty people. Let us never forget that it was the Anglo-Saxon pioneer, the Anglo-Saxon character, the Anglo-Saxon determination, and the Anglo-Saxon vision that gave us a land where justice and liberty will always be preserved.

EXTENSION OF REMARKS

Mr. LEWIS of Colorado. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein certain extracts from reports by governmental agencies.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

MARRIED PERSONS IN THE GOVERNMENT SERVICE

Mr. SMITH of Virginia. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 260 and ask for its immediate consideration.

The Clerk read the resolution as follows:

House Resolution 260

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 3408, a bill to amend the Civil Service Act approved January 16, 1883 (22 Stat. 403), and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Civil Service, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. SMITH of Virginia. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee [Mr. TAYLOR] and yield myself 5 minutes.

Mr. Speaker, this is a rule for the consideration of the bill coming from the Committee on the Civil Service, for the repeal of what is known as section 213 of the Economy Act. As you all know, section 213 is that section of the act which discriminated against and prevented the employment of married women or married men when their husbands or wives were in the Government service. This has been the cause of a good deal of confusion, much injustice, and a good deal of complaint.

The bill which has been reported by the Committee on the Civil Service is in the nature of a compromise. The net effect of this bill will be to permit the employment of husbands and wives only in those cases where the joint salaries of both husband and wife do not exceed the sum of $4,000. I think the only reason this bill was ever enacted was that there were certain cases where a husband was drawing a large salary and his wife was probably drawing a large salary, which created a condition that was not right. I do not think the Congress ever had the intention of requiring departments to discharge a wife whose husband was working for the Government where both were getting insignificant salaries. The bill was aimed originally at those cases where the two members of the families were getting large salaries. The effect of that bill in many cases has been to prevent young people who worked in Government departments on small salaries from getting married, because they knew that immediately they were married one or the other of them would have to resign from the Government service.

It seems to me it is eminently fair that this bill should be passed, as it only extends the rule in cases where both the husband and wife are drawing very small salaries which do not in the aggregate exceed the sum of $4,000.

While I understand there will be some little opposition, perhaps, to the bill, my information is that there is no opposition to this rule. After yielding to the gentlewoman from New York [Mrs. O'DAY] and to the chairman of the Committee on the Civil Service, if it is agreeable to the gentleman from Tennessee [Mr. TAYLOR], after he has yielded such time as he needs, I am going to move the previous question on the rule as soon as possible.

EXTENSION OF REMARKS

Mr. STEAGALL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by printing an address delivered by the gentleman from North Carolina [Mr. HANCOCK] on June 25, 1937, at Blowing Rock, N. C., to the North Carolina Building and Loan League, in which he discussed a national housing policy.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

MARRIED PERSONS IN THE GOVERNMENT SERVICE

Mr. TAYLOR of Tennessee. Mr. Speaker, I regret very much to find myself in opposition to this rule. I think section 213 of the so-called Economy Act has been generally misunderstood. The understanding has been that it is a discrimination against women. As a matter of fact, it is not a discrimination against women. The question of gender does not enter into the proposition at all. The section was written into the Economy Act with a view of helping to solve the unemployment situation, where two or more members of the same family were employed in the Government service. The section does not apply to women alone, but applies to men and women alike. The section is as follows:

SEC. 213. In any reduction of personnel in any branch or service of the United States Government or the District of Columbia, married persons (living with husband or wife) employed in the class to be reduced, shall be dismissed before any other persons employed in such class are dismissed, if such husband or wife is also in the service of the United States or the District of Columbia. In the appointment of persons to the classified civil service, preference shall be given to persons other than married persons living with husband or wife, such husband or wife being in the service of the United States or the District of Columbia.

The purpose of this provision in the so-called Economy Act was to help improve the unemployment situation. It does not mean that simply because persons happen to be husbands or wives of Government employees they must be eliminated from the service, but it means that in case of a reduction of force, then the husband or wife shall be given first consideration in the matter of retirement from the service.

This is just another method of approaching the problem of nepotism in the Government. We are all interested in spreading employment. The effect of this law is that where a person has a husband or a wife in the service and there happens to be a reduction in force, then such person shall be first considered for elimination from the service, which I think is entirely commendable.

Mr. Speaker, I am in favor of continuing this section in the so-called Economy Act, for the reason that I am opposed to nepotism in government. I can see no reason why a man and his wife or his children should be continued in the service when there are thousands of people who are unemployed who can perform the service just as well.

Mr. TERRY. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Tennessee. Yes; I yield.

Mr. TERRY. Is there anything in the law which is sought to be repealed which has reference to the maximum amount of the joint salaries of the husband and wife?

Mr. TAYLOR of Tennessee. Not in the original act, no; but there is in this amendment, that where the salaries aggregate as much as $4,000 or more, then this act shall apply.

Mr. TERRY. I had understood that the original law was being or had been enforced as to the smaller salary brackets, but was disregarded as to the higher brackets. Does the gentleman know anything about that?

Mr. TAYLOR of Tennessee. I do not know what the practice has been, but, of course, this amendment is an improvement on the original act because the original act had no reference whatever to salaries.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Tennessee. Yes.

Mrs. ROGERS of Massachusetts. I happen to know that those in the higher brackets were not affected. If the gentleman will go over the records of the different departments he will find that the married couples in the higher brackets

were kept, when the husband was drawing a large salary and the wife was drawing a large salary, while those in the lower brackets were affected. I think the gentleman will find every department will give him such an answer.

Mr. TERRY. One or the other was dismissed in the lower brackets?

Mrs. ROGERS of Massachusetts. Yes; in the lower brackets, but those in the higher brackets are still employed; they never were dismissed.

Mr. TAYLOR of Tennessee. I cannot understand why the principle should not be applied to both brackets, the lower and the higher.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Tennessee. Yes.

Mr. DONDERO. I wonder if the gentleman would approve of this proposed legislation if the amount were reduced from $4,000 to $3,000?

Mr. TAYLOR of Tennessee. I think such an amendment would improve the situation very much. There is no question about it, but both the amendment and the resolution should be defeated.

Mr. DONDERO. Would it bring it more within the line of reason if the amount were reduced from $4,000 to $3,000?

Mr. TAYLOR of Tennessee. I would support an amendment of that kind. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Virginia. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York [Mrs. O'DAY].

Mrs. O'DAY. Mr. Speaker, the work of the world has always been done by men and women together. We get a fine record of this from the Good Book, which tells us that it was Eve who was out rustling for food. She found it; Adam shared it with her; he turned state's evidence and thus escaped the biological penalty that was visited on Eve when they were both driven out of the Garden of Eden. [Laughter.]

Well, as civilization advanced the character of the share of women's work changed, went through successive changes, and at the early time in our country's history it was the women who did the spinning and the weaving and the fashioning of garments and the baking and the brewing and the preserving. Then men came into the homes and took these industries out of the homes, put them into factories, and there the women had to follow them because of economic necessity.

During the war the great expanse of Government work drew to Washington large numbers of our finest young men and women, drew them into Government service, but at very low wages. It was marriage time for these young people, and, quite naturally, they fell in love, wanted to marry; they wanted to establish homes and raise families. They could not do this on the low salaries that ranged from $1,400 to $1,700, but they could combine their salaries and set up their household, and this they did. Then there came the depression and the Economy Act and section 213. This was a gesture toward spreading employment, but it only affected 1,835 jobs; and in June of 1935 a questionnaire was sent out to over 1,000 men and women all over the country who had been dismissed under section 213. There were 697 replies, and most of those who answered were under 40 years of age but had been in the service from 10 to 15 years, and some even longer. Of this number only 56 owned their homes completely. Four hundred and seven had lost their homes because they were in process of buying them and could not pay the mortgage interest. They had to sell their homes in some cases, rent them in others, and move to less desirable localities where the living was cheaper.

This was misguided economy, because it struck at one of our fundamental democratic principles—the merit system.

When the farm-tenancy bill was argued the other day I think every speaker from the well spoke of the sanctity of the home, stating that the small home is the foundation of our American way of living, and yet because of section 213, 407 of these little foundation units were lost in the maelstrom of the depression. I am told that this section is about the last of the emergency sections.

[Here the gavel fell.]

Mr. SMITH of Virginia. Mr. Speaker, I yield the gentlewoman from New York 1 additional minute.

Mrs. O'DAY. The Republican platform of 1936—and we are grateful for it—has a plank calling for the repeal of this section, and the repeal of this section is the only measure on record that has the unanimous endorsement of all the women's organizations in the country. Now, if 6,000,000 federated women oppose section 213 and ask for its repeal, they must be right, and they ask for its repeal in order that our civil-service system may not be impaired longer by having to select its personnel on the basis of marital status and not on the basis of merit. [Applause.]

Mr. SMITH of Virginia. Mr. Speaker, I yield such time as he may desire to the gentleman from Kansas [Mr. LAMBERTSON].

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

THE SECOND JEFFERSON MEMORIAL IN ST. LOUIS

Mr. LAMBERTSON. Mr. Speaker and colleagues, the following information from Mr. Tolson, Assistant Director, National Park Service, was given by him over the telephone this week and taken in shorthand:

> The Thomas Jefferson Memorial in St. Louis was set up as a project by Executive order of the President. The city of St. Louis has matched one for every three dollars that the Federal Government has put in. The city has turned over to the Government $2,250,000 and the Government has put up $6,750,000 for the acquisition of land, making available $9,000,000 for the purchase of land included in 37 blocks along the waterfront, which is to be the site of a memorial project for commemoration of the westward expansion, the Louisiana Purchase, and of Thomas Jefferson himself. Some people out there have filed injunctions to prevent the purchase of this land. The matter got as far as the Supreme Court but was thrown out. Another suit is now pending, and the result of these suits has been to prevent the purchase of any land. The only money expended up to May 31, 1937, the latest date available, amounted to $92,921.08. This sum was for administrative expenses.

Mr. Speaker and Members, you will note that less than one-tenth of $1,000,000 has been spent on this project and all for administrative purposes. We could yet save the $29,907,000 if we can stop this thing now. Note, too, that the Assistant Director says that the available $9,000,000 is for the purchase of the land in the 37 blocks, which means, of course, for the land and buildings. That is all the money that is available and three-fourths of it has been taken from relief money which was intended to feed the hungry and one-fourth from the city of St. Louis, stolen from the taxpayers by a corrupt bond election.

Note, also, that this great scheme was set up by Executive order, contrary to expressed statutes. Shame again on our National Park Service for ever dirtying their hands with it. It will blacken their face eventually. Congress never authorized this project and it will never complete it. Congress refused to touch it first of all and they will be more against it than ever when they are asked for the remaining $15,000,000 of their part which has been planned for them to appropriate. Not a Member from the great State of Missouri dares to raise his voice to defend this real-estate scheme. Cannot more of you help us get this thing stopped?

A NATIONAL SCANDAL BREWING

Mr. Speaker, today in St. Louis a Federal judge will hear arguments and listen to citations as to whether or not the National Park Service and the Federal Government should be enjoined from proceeding with the condemnation of property and the building of the proposed $30,000,000 second memorial to Thomas Jefferson in that city.

This Federal judge lives in St. Louis. Undoubtedly he is entirely familiar with all the facts in the matter and by

reading the local newspapers is thoroughly informed of the charges of fraud which I have previously brought to the attention of the Congress. Attorneys for the Government can be depended upon to resort to every possible legal technicality which will enable the National Park Service to continue with the project.

This injunction suit by the citizens of St. Louis presents a situation where technicalities ought not to be allowed to overwhelm the dictates of reason and justice, which is the intent of all law.

Fraud has been disclosed. This cannot be denied. This is a Federal project now, and the fraud now becomes a fraud against the Federal Government. The least that should follow is an investigation by a Federal grand jury.

Attorneys for the Government will possibly argue the Federal court has no jurisdiction. They may claim the State courts are the place for the taxpayers to get relief. This claim is a shallow one, for the courts of St. Louis have been overwhelmed by some mysterious influence, which causes them to follow the letter of the law instead of the law's intent.

On previous occasions I have laid the background which I hope will spur the Members of this body to institute an independent investigation of the great fraud which is about to be committed unless this Federal judge in St. Louis shall, in the wisdom of his decision, decide that elections which are permeated with fraud, and through corrupt practices for a proposal in which the Federal Government has a major interest, is a matter of national concern and over which there extends Federal jurisdiction.

IMPORTANT ISSUES AT STAKE

Mr. Speaker, there are several important public issues at stake in this suit of the St. Louis citizens against the National Park Service.

The principle issue is whether or not the Executive has the right to assume the functions of the Congress, and also whether or not money appropriated by Congress for relief and work relief can properly be diverted for the purchase of 37 blocks of property in St. Louis for the building of this memorial.

FURTHER POSSIBILITIES OF FRAUD

Aside from the facts I have heretofore presented, there are many other combinations of happenings prior to and immediately after this bond-issue election in St. Louis, to which I have previously referred, which need to be publicly mentioned. Among the combination of conditions which possibly operated to thwart the public desires in the matter of this memorial was the padding of the city's registration books.

Mr. Speaker, at the time of this bond-issue election there were hundreds of places in St. Louis from which persons, who later could not be found, were registered. Among these places were vacant lots, vacant buildings, and even places known as disorderly houses. While this padding of the registration books in the city had been more or less a matter of speculation as to the extent, the full extent to which the practice had been carried out was not actually established until nearly a year after the bond-issue election, when the St. Louis Post-Dispatch commenced the publication of a series of copyrighted articles charging wholesale fraud in the registration for the August primary election.

The facts upon which the Post-Dispatch based their articles were obtained through the efforts of the Citizens' Nonpartisan Committee and their own investigators. Subsequently fraud was uncovered in the memorial bond-issue election through the same channels.

In a recheck forced upon the board of election commissioners after publication of the charges of fraud in the registration, which were amply illustrated, 46,252 of the alleged registrants were reported as "not found" by the official canvassers.

At the primary election on August 4 more than 40,000 of these "ghost voters" stayed away from the polls, which fact allows me to draw the conclusion that a large part of this "ghost vote" was unlawfully drawn upon in perfecting and certifying a false return in the bond-issue election of September 10, 1935. A significant fact to be kept in mind is that the forms showing the time and condition of the voting on the day of the election have mysteriously disappeared from the records of the election commissioners' office.

The ballot boxes and their contents are presumably still intact, but all efforts so far to get a recount of their actual ballots has been unavailing by the ordinary court processes.

A CHANGE OF LESS THAN 8,000 VOTES WOULD HAVE CHANGED THE RESULTS OF THE ELECTION

Keeping in mind the proposal was for the city to issue $7,500,000 of their bonds as a contribution toward a total fund of $30,000,000, and that the voters were specifically and unequivocally told the Federal Government was going to provide without question $22,500,000 for the project, which later was established to be a deceptive statement on the part of the promoters, it is pertinent to know that fewer than 8,000 votes decided the issue.

It a later recheck of the "ghost registrations" it was determined that 25,150 of those reported as not found were in the Eleventh Congressional District, which is the district in which many of the weird returns were made which I mentioned last week. Now it is not beyond the realm of possibility that more than enough of this "ghost vote" was actually cast so that a result satisfactory to those who promoted the project was obtained.

RESULT OF FRAUD SATISFACTORY

Now, if this was one of the methods used in committing the frauds, it has been eminently satisfactory to the promoters, to those who furnished the money, and to those who later furnished legal assistance and bail for those who have been indicted for similar irregularities in the 1936 primary registrations. The results must have been satisfactory, for none of these have joined in the demand which citizens have made for a complete investigation. Yet by the work of these promoters the National Park Service proposes to proceed with the project, ignoring the fraud, ignoring the corruption, and ignoring the basic principles of common honesty which should permeate every Federal enterprise.

While no individual could possibly be singly responsible for this situation, the promoters collectively stand indicted at the bar of public opinion by their willingness to acquiesce in the project at this time.

FURTHER FACTS

But to return to the election and where else the "ghost vote" might have been utilized in arriving at a satisfactory result. In 57 of the city's 669 precincts the returns for the bond issue were 22,948 to 758.

In the identical wards from which these precincts were selected, a total of 26,281 of the registrants could not be found on the recheck by the canvassers in July.

Here is a possibility where the 7,329 majority necessary to carry the issue might have been "machine made."

The hundreds of affidavits which are held by the Citizens' Nonpartisan Committee indicate that either the "ghost vote" was resorted to or there was just some plain and fancy ballot-box stuffing in certain wards on September 10, 1935.

COURT WILL HAVE FRAUDS CHARGE BEFORE IT

Mr. Speaker, the Federal court in St. Louis will have before it the definite allegation that fraud was committed in the election. By that fraud it is charged the taxpayers of St. Louis have been wrongfully obligated to the extent of $2,250,000.

Unless an injunction is granted, or this project halted by an investigation of this Congress, the people of St. Louis will be obligated for $5,250,000 more if the bonds are ever sold.

Without bringing into the forefront the matter of these questionable historic sites which the National Park Service seeks so assiduously to preserve, I do want to express my opinion of those who would take advantage of the small home owners and other taxpayers of St. Louis by allowing this fraudulent project to proceed.

Mr. Speaker, there is an old saying that there is honor among thieves. These memorial promoters of St. Louis by their very silence remind me of a bunch of pickpockets. No one ever heard of pickpockets knowingly preying on each other, but these memorial promoters are perfectly willing and still stand by, ready to pick the pockets of the taxpayers of St. Louis under the guise of civic leadership and national pride.

Where have they exhibited any of either in this promotion?

Mr. Speaker, I again beseech the Members of this Congress to give this matter some study, and be prepared to vote for an investigation of the whole distasteful business.

MARRIED PERSONS IN THE GOVERNMENT SERVICE

Mr. TAYLOR of Tennessee. Mr. Speaker, as I stated at the outset, this is not a discrimination against women at all. It affects both men and women and the purpose of the original act was to reduce or destroy nepotism in the Government service. It should have applied not only to the administrative branch of the Government but to the legislative and judicial branch as well.

We have from my delegation in Tennessee a gentleman who has given a great deal of thought and a great deal of time to this subject of nepotism and for this reason I yield 5 minutes to the gentleman from Tennessee [Mr. MITCHELL].

Mr. MITCHELL of Tennessee. Mr. Speaker, I have just gotten in the hall and I am not entirely familiar with the bill that is pending, except in a general way. To my mind, under conditions that obtain in this country, with so many applications for employment, the further we can get removed from the family circle, the more wholesome will be the legislation. I do not mean to personally criticize others who feel that they are warranted in appointing their next of kin, and that is really what this measure amounts to. They may feel justified in so doing, but the practice is very greatly abused and I oppose it. Especially is it abused in the departments here in the city of Washington. From a report that I received recently more than 10,000 Government employees in the city of Washington are related to those who make the appointments. I think the tendency is to destroy the morale in the different departments. Especially is that true when so many of the next of kin, so many of the same name, make up the appointments. In the District of Columbia more than 10,000 are related to those making the appointments and the taxpayers of America do not look upon this with favor. I hope this rule will not pass. I do not believe it should pass. I do not think it is the proper kind of legislation. Conditions have been unusual throughout the United States. No Member of this House but receives many, many applications from constituents for positions and places to be filled daily in the Government service. I know how much grief and worry the Members of the House have because of that situation.

Mr. RAMSPECK. Mr. Speaker, will the gentleman yield?

Mr. MITCHELL of Tennessee. Just a moment. I know this legislation provides that members of the same family are eligible for appointment, provided the combined salary is under $4,000, under provisions of the civil-service regulations. There has been more or less criticism about the civil-service regulations and the Civil Service Commission. That would obtain perhaps even if this law were not in effect, but it opens the door to criticism; it opens the door for unfavorable comment upon the Congress, in my judgment. It smacks more or less of the royal blood; and, if indeed and in fact we believe in equality of opportunity, we should help the other fellow and not be selfish about it. A condition obtaining with many members of the same family on the pay roll does not make for efficiency in government. If the head of a board or bureau has his relatives and next of kin working under him, the tendency is to destroy the morale in that department or bureau, in the official family, and among the employees.

Mr. TERRY. Mr. Speaker, will the gentleman yield?

Mr. MITCHELL of Tennessee. Yes.

Mr. TERRY. I agree with the gentleman generally in what he has to say with reference to nepotism. I do not believe in a man in office employing his next of kin or his kinsfolk, but this bill has nothing to do with that. This is not a question of a man employing his relatives. This is a matter of husband and wife being on the pay roll at the same time. It is not a question of who appoints them.

Mr. MITCHELL of Tennessee. I appreciate what my colleague from Arkansas has to say with reference to that, but the point I desire to make is that it does open the door to criticism and complaint and is closely related.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. TAYLOR of Tennessee. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. BOILEAU].

Mr. BOILEAU. Mr. Speaker, I believe we made a mistake when we first enacted section 213. It is rank discrimination, and the way to correct that mistake is to repeal section 213. I do not believe that we should carry the provisions of the committee amendment into effect, because that continues discrimination, and, as a matter of fact, the committee amendment to the bill now before us embodies even greater discrimination than was contained in the original section 213.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. Yes.

Mr. CELLER. I am in accord with the gentleman, and when I offered my bill originally it provided for outright repeal, but this is a compromise, and half a loaf is better than no loaf at all.

Mr. BOILEAU. I appreciate what the gentleman says, but I submit that the compromise agreed upon is perhaps not as good as half a loaf. It does not amount to very much. I should vote for the bill even with this committee amendment, but would do so with many misgivings, realizing that we are creating additional discrimination against a group of people who were not discriminated against in the original section 213. This committee amendment provides that no original appointment to one of said grades may hereafter be approved in any case where the combined salaries of the members of a family after such appointment would equal or exceed $4,000. It does not confine it to husband and wife, but it embraces all the members of a family. The original act passed in 1883 contained the same expression, "members of a family", and I am informed that has been interpreted by various Government agencies, including the Civil Service Commission, to mean all members who live under the same roof. In other words, a man and wife and such children, regardless of their age, who may live with their father and mother. So that if there is a man in the District of Columbia or in any other part of the country who is employed under the Civil Service Act who receives a salary of $4,000 a year, this amendment would not only preclude his wife but his son or his daughter, the members of his family, from ever working for the Government of the United States.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. I will yield if the gentleman wishes to correct me.

Mr. CELLER. I think the gentleman has been in error. That has always been the statute.

Mr. BOILEAU. No; the statute in the old days provided they could not employ more than two people, or, rather, it provided that if two or more people were then employed they could not thereafter employ another. This bill does not restrict itself to the number of people, but to the amount of money which the combined members of the family receive. Therefore if the father receives a salary of $4,000, then his family in the District of Columbia, these boys and girls who are reared here, brought up in this community, where the only place for employment is with the Government—at least that is the only industry of any importance that gives jobs—because of the fact that the father receives a salary of $4,000, hereafter his son cannot get a job if his son lives in his father's home, even though he be 25 or 30 years of age.

Neither can that daughter who was born and reared in this community receive a job from the Government. So what will be the result? Families will have to be divided. Young men and young women reared here with their fathers and mothers, who still live at home, cannot find a job, cannot live here, and the only result will be to divide that family and say to that son or that daughter, "You cannot make a living in the home town of your father and mother. You must go some place else to get a job." The result will be he will go out into my State or out into your State or some place else and compete with somebody else in getting a job.

The sum total of the number of people employed in this country will not be changed one bit. But we are creating discrimination against these people. The only way to correct the mistake we made some time ago is to provide for the outright repeal of this section. There is no member of this committee who can defend the provisions of this amendment unless they want to say that a young man or a young woman should be deprived of the right to work for their Government. Regardless of their abilities, regardless of their education and their qualification, they should be barred just because their father happens to hold a civil-service job and is competent enough and able enough to hold a job that pays $4,000 a year. It is rank discrimination. I appeal to the Members of this House to vote down the committee amendment. I serve notice now that if the House adopts the committee amendment, I, for one, shall ask for a separate vote in the House to strike out the committee amendment, so that the original bill providing for outright repeal will be before the House. I appeal to the Members of this House who do not want to provide for further discrimination to support me in my effort in the House, unless some member of the committee desires to ask for that action, to strike out the committee amendment and approve the original bill.

Mr. FORD of California. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. FORD of California. Does the gentleman believe this is constitutional?

Mr. BOILEAU. I do not believe it is; but I am not going to argue the constitutional phase of it, because I have not had an opportunity to go into that at length.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. I yield.

Mrs. ROGERS of Massachusetts. I think the section to which the gentleman refers was in the original act of 1883.

Mr. BOILEAU. No. The gentlewoman is mistaken, I am sure. The original act of 1883 provided that when two or more people worked for the Government under civil service, no additional member of the family could be put on the pay roll. The original act at least provided for two members of the family. This amendment would provide that "no original appointment to one of said grades may hereafter be approved in any case where the combined salaries of the members of a family after such appointment would equal or exceed $4,000." So that if there is one member of the family receiving $4,000 at the present time, no additional member of that family—wife, son, or daughter—who lives in the same family, could get a job. So this bill is a departure. At least under the old law two people could work for the Government, and now they are restricted to one, if that one receives $4,000.

Mrs. ROGERS of Massachusetts. But the gentleman knows that that was never enforced.

Mr. BOILEAU. Whether it was enforced or not, now is the time for us to use a little common sense. After all, if you take the position that we are giving these people something because we give them a job with the Government, you take a different position than I do. If you take the position that people should be given a position in the Government service because of ability, and retain their position because they are capable of doing their tasks, then you are not giving them anything. It seems to me like nonsense to provide that because one person receives $4,000 a year, his children should not be qualified to serve their Government. Has it come to the point when American citizens are to be deprived of doing their duty, working for their Government, if they have the proper qualification? Does that make sense?

Mr. FORD of California. Could not four people get $1,000 a year, all in one family?

Mr. BOILEAU. They could under this amendment, except the law of 1883 prevents that. That law provides that not more than two people, regardless of salary, shall be employed.

Mr. MARTIN of Colorado. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. MARTIN of Colorado. I would like to know who this legislation will benefit outside of the District of Columbia. I do not believe there is a husband and wife in my congressional district that have jobs in the employ of the Government.

Mr. BOILEAU. It does not affect only husband and wife. If you happened to have a man in your district working for the civil service as a mail carrier, and his daughter or some other member of his family wanted to obtain a Government position, they would be debarred from taking such a job if their salary combined with that of the father exceeded $4,000.

Mr. MARTIN of Colorado. If the gentleman will permit, what worries me is the millions of husbands and wives in this country who have no jobs.

Mr. BOILEAU. This is not going to distribute the jobs. If you take a job away from a man here and he goes and takes the job away from another man somewhere else, how has there been any decrease in unemployment? The way to decrease unemployment is to create more jobs and not pass such hit-and-miss and ridiculous things as this proposal.

Mr. PATRICK. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. PATRICK. Does not this merely mean, in view of the provisions of the civil-service law, that the wife cannot get employment if one member of the family is already employed?

Mr. BOILEAU. It might be son, daughter, or somebody drawing $25,000 a year back home in some industry.

Mr. PATRICK. I had reference to employment in the Government service.

Mr. BOILEAU. This will not create any more jobs; we are not adding to the number of jobs by passing legislation of this type. How are we distributing work if we take a man out of a job in Washington and send him back home, where he takes a job away from somebody else? I submit that this amendment is ridiculous and should be voted down.

[Here the gavel fell.]

Mr. SMITH of Virginia. Mr. Speaker, I yield to the gentleman from Indiana [Mr. PETTENGILL] such time as he desires.

Mr. PETTENGILL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SMITH of Virginia. Mr. Speaker, I yield to the gentlewoman from Oregon [Mrs. HONEYMAN] 3 minutes.

Mrs. HONEYMAN. Mr. Speaker, I am in favor of the bill, H. R. 3408, because it is a step toward repeal of section 213 of the Economy Act, which is generally known as the married woman's clause—incidentally "clause" is not spelled with a "w." I am in favor of this bill because I think that section 213 of the Economy Act has no place in a merit system or in any normal social system. We cannot consider the civil service a merit system when it excludes from Government employment a large group of citizens regardless of their training and fitness to hold these positions.

The advantages of civil service are too well known to be repeated here, but higher efficiency and greater economy cannot be effected as long as the civil-service law is exclusive rather than inclusive.

Section 213 undoubtedly worked a hardship on a great many families. This, however, is not my chief concern at present. In time economic adjustments can be made in like cases, but economic adjustments cannot be made in the civil-service law, nor can we re-adhere to real fundamental civil-service principles until we repeal section 213. [Applause.]

EXTENSION OF REMARKS

Mr. IGLESIAS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein some opinions of the Secretary of Agriculture and the Secretary of the Interior on sugar and on agriculture generally.

The SPEAKER. Is there objection to the request of the Delegate from Puerto Rico?

There was no objection.

MARRIED PERSONS IN THE GOVERNMENT SERVICE

Mr. SMITH of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia [Mr. RAMSPECK].

Mr. RAMSPECK. Mr. Speaker, in the few minutes at my disposal I wish to call attention to some things about this matter which I think are misunderstood.

In the first place, section 213 of the Economy Act does not eliminate from the Government service all married couples. It has in practice eliminated from the Government service only those with the lower incomes. There are still hundreds of married couples in the Government service with joint salaries running from $6,000 to $10,000 a year who have not been and never will be eliminated by section 213, because its application is limited to reductions within certain grades; and unless there is a reduction of force within the grade where a person is employed, he or she is not affected by section 213. If, therefore, you are disposed to support the retention of section 213 on the theory that you are getting rid of married women in the Government service, you certainly are not going to accomplish that purpose. In addition, it does not affect a single married woman or married man where the married woman's husband is employed in private industry or where the wife is employed in private industry. He or she may have a splendid job outside of the Government service, but the other spouse cannot be affected.

Section 213 of the Economy Act has affected, so far as we know, about 1,800 people. It has not, therefore, done much to spread employment. In practically every one of these cases the people dismissed were making less than $2,000 a year, and the greatest majority of them less than $1,500 a year.

If I had the time, I could tell you of hundreds of cases that are distressing in the extreme. I mention only one, which is the most distressing I have heard of and involves a woman with one child whose husband is in the Marine Corps getting $16 a month. She was earning $1,260 a year with the Government and was dismissed under this section. I think you will all agree with me that was a foolish procedure.

Mr. CELLER. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from New York.

Mr. CELLER. We have had a great many men in the Army, Navy, and Marine Corps earning $55 a month, and if any of these men had a wife in the Government service, the wife had to go?

Mr. RAMSPECK. That is true.

Mr. TARVER. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Georgia.

Mr. TARVER. Could not the committee reach that situation by providing a limitation of $3,000 a year as to the combined salaries of the man and wife and providing that in such cases section 213 should not apply?

Mr. RAMSPECK. That is what we are doing in here, except the limitation is $4,000.

Mr. TARVER. But the $4,000 limitation in this bill does not have any relation to those already in the service?

Mr. RAMSPECK. The gentleman is correct.

Mr. TARVER. It applies only to those who may hereafter be appointed.

Mr. RAMSPECK. I do not believe the Government has any right to change the rules of employment after they have employed people. I think they ought to fix the rules of employment before they take people into the Government service, and if those people want to get married afterward, that is their business. [Applause.]

Mr. McFARLANE. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Texas.

Mr. McFARLANE. Under what line of reasoning can the gentleman substantiate that kind of statement when an employee of the Government knows at the time of his employment he has not the right to expect any definite, fixed term of employment for the future?

Mr. RAMSPECK. On the ground of public policy. I do not mean to say we have not the legal right to do it, but on the ground of policy. I do not believe the gentleman wants to defend a practice which keeps young people from the opportunity of getting married simply because they may be in the Government service.

Mr. McFARLANE. I do not think that a limitation, such as the gentleman from Georgia mentions, would spread employment throughout the country. I do not think such an amendment limiting the salary of any family to $3,000 a year will keep a couple from getting married. I think that is all "boloney."

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. As a matter of economy, it has not resulted in economy at all, has it?

Mr. RAMSPECK. No.

Mrs. ROGERS of Massachusetts. These places have been filled by married women who have had husbands employed in civil pursuits in many instances.

Mr. RAMSPECK. There is no economy in this section, and nobody has made that claim for it that I know of.

Mrs. ROGERS of Massachusetts. I may say when people enter the civil service, they feel they are entering on a life service, just as when they enter the Army and Navy and many of the civil-service employees do render a marvelous service to the country?

Mr. RAMSPECK. Yes.

Mr. AMLIE. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Wisconsin.

Mr. AMLIE. If 1,800 people have been affected and if these married people were to get their jobs back, it would merely mean that 1,800 people who are now employed would lose the jobs they now have?

Mr. RAMSPECK. Of course, under this provision they cannot get their jobs back, but they would be eligible for reinstatement if the joint salaries did not equal or exceed the $4,000. This could not displace anybody.

[Here the gavel fell.]

Mr. SMITH of Virginia. Mr. Speaker, I yield the gentleman 5 additional minutes.

Mr. SHORT. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Missouri.

Mr. SHORT. Does not the gentleman feel that efficiency rather than the status of the individual should be the correct standard for Government employees?

Mr. RAMSPECK. Yes; I would say so.

Mr. SHORT. If the basis for Government employees is to be based upon need, why should the Government discharge a married person who has children or parents to support, and at the same time keep on in the employment of the Government single persons who have no dependents?

Mr. MAY. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Kentucky.

Mr. MAY. I am a little puzzled at the gentleman's statement that nobody claimed that section 213, now under consideration, was an economy measure. As a matter of fact, the gentleman will remember the first bill that came into the Seventy-first Congress was a bill which authorized the President to close the banks, and bill no. 2 was a bill to maintain

the credit of the United States Government, which bill contained section 213.

Mr. RAMSPECK. The gentleman is entirely mistaken. Section 213 was passed during the administration of President Hoover as a part of the economy act. It was passed by the Seventy-first or Seventy-second Congress. It was not passed during this administration. It was passed in June 1932.

I want to answer the gentleman from Tennessee, who spoke on the question of nepotism. The gentleman is not familiar with what we are trying to do here. The present provision applies only to husband and wife. The amendment which we are proposing puts a limitation on the salaries of all members of a family of not to exceed $4,000 a year; therefore there might be four members of a family who would be affected by what we are proposing to do, but the thing we are trying to repeal cannot affect anybody but husband and wife.

Mr. MURDOCK of Arizona. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. Is it not the gentleman's observation that public employees in this city, where the husband only is on a salary, are in a precarious position and unable to live according to the accepted standards that we have?

Mr. RAMSPECK. On account of the high cost of living in Washington, it is very difficult for the average family to live on many of the salaries received, especially in the lower paid groups, and those are the people, I may say to the gentleman, who lost their jobs under section 213. The people who are getting plenty of money were not affected and never will be affected by this section.

Mr. BRADLEY. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. BRADLEY. Does the gentleman think it just, in view of the millions of young men and young women who are unemployed and the millions of married women whose husbands are unemployed, for the Government of the United States to adopt a policy of providing employment for a husband and wife when there are so many married men in the United States without any income?

Mr. RAMSPECK. Yes.

Mr. BRADLEY. Does not the gentleman think the women of this country would be equally protected if opportunity were given men who are fathers of families to get these jobs in place of men and women whose husbands or wives are employed by the Government?

Mr. RAMSPECK. If the gentleman will look in the Appendix of the RECORD he will find that on page 1689 there was inserted a speech, by a lady from Connecticut, giving the statistics about married women who work, and the gentleman will find there are only 360,000 married women doing clerical work in the whole United States; so if you took them all out, you would not solve the problem of unemployment.

Mr. BRADLEY. It is the principle involved.

Mr. RAMSPECK. After all, does not the gentleman think the basis of the economic independence of this country is the family income, rather than the question of whether or not the husband or the wife is employed? It may be that where there is one job in a family its members are much better off economically than where there are three jobs in a family. The gentleman, of course, is familiar with such situations.

Mr. BRADLEY. As long as the husband and wife both work and by their combined wages secure an income sufficient to support themselves, just so long will they be contented with that situation, and they are a deterrent factor on those who are trying to elevate the wage scale of the United States to the place where a married man can secure sufficient income from his own efforts to support his family.

Mr. RAMSPECK. I think the gentleman is mistaken about that.

In conclusion, Mr. Speaker, I may say that there is no opposition to the rule. The only people I know who are opposed to the bill want to fight it out on its merits. Therefore, let us adopt the rule and go into this matter, and in the debate on the bill I shall be pleased to answer insofar as I can all the questions asked. [Applause.]

[Here the gavel fell.]

Mr. SMITH of Virginia. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and on a division (demanded by Mr. MCFARLANE) there were—ayes 95, noes 6.

So the resolution was agreed to.

FLOOD-CONTROL PROJECTS

Mr. O'CONNOR of New York, from the Committee on Rules, submitted the following resolution, House Resolution 269, for the consideration of the bill (H. R. 7646) to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936 (Rept. No. 1189), which was referred to the House Calendar and ordered printed:

House Resolution 269

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 7646, a bill to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936. That after general debate, which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Flood Control, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

NATIONAL PLAN FOR FLOOD CONTROL

Mr. O'CONNOR of New York, from the Committee on Rules, submitted the following resolution (H. Res. 270) for the consideration of the joint resolution (H. J. Res. 175) to authorize the submission to Congress of a comprehensive national plan for the prevention and control of floods of all the major rivers of the United States, and for other purposes (Rept. No. 1190), which was referred to the House Calendar and ordered printed:

House Resolution 270

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 175, a joint resolution to authorize the submission to Congress of a comprehensive national plan for the prevention and control of floods of all the major rivers of the United States, and for other purposes. That after general debate, which shall be confined to the joint resolution and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking member of the Committee on Flood Control, the joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the joint resolution for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that on Monday next, after the disposition of matters on the Speaker's table and the legislative business of the day, I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CALL OF THE HOUSE

Mr. COCHRAN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] One hundred and twenty-three Members are present, not a quorum.

Mr. RAMSPECK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 102]

Allen, Del.	Ellenbogen	Kloeb	Sadowski
Andrews	Ferguson	Knutson	Schneider, Wis.
Arnold	Fernandez	Kopplemann	Schuetz
Bernard	Frey, Pa.	Kvale	Scrugham
Brewster	Fulmer	Lemke	Sheppard
Brooks	Gifford	Lewis, Md.	Sirovich
Buckley, N. Y.	Gilchrist	Luecke, Mich.	Smith, Maine
Cannon, Wis.	Gingery	McAndrews	Smith, W. Va.
Carlson	Goldsborough	McGehee	Sweeney
Carter	Green	Magnuson	Taylor, Colo.
Clark, N. C.	Griswold	Martin, Mass.	Teigan
Collins	Hamilton	Maverick	Transue
Cravens	Hancock, N. Y.	Miller	Wearin
Crowe	Harrington	Mouton	White, Idaho
Culkin	Hartley	Murdock, Utah	White, Ohio
Daly	Izac	O'Brien, Ill.	Wigglesworth
Disney	Jarrett	Oliver	Williams
Douglas	Jenkins, Ohio	Peyser	Wolcott
Eaton	Johnson, Minn.	Rabaut	Wood
Eckert	Keller	Rich	Woodruff
Edmiston	Kelly, N. Y.	Romjue	

The SPEAKER. Three hundred and fifty Members have answered to their names, a quorum.

On motion of Mr. RAMSPECK, further proceedings under the call were dispensed with.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent that the subcommittee of the Committee on Interstate and Foreign Commerce which is considering the cancer bill may have permission to sit during the sessions of the House today.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

MARRIED PERSONS IN THE GOVERNMENT SERVICE

Mr. RAMSPECK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 3408) to amend the Civil Service Act approved January 16, 1883 (22 Stat. 403), and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole Houes on the state of the Union for the consideration of the bill H. R. 3408, with Mr. JONES in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

Mr. RAMSPECK. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Chairman, I happen to be the villain in this drama. I am the one who conceived the thought which resulted in the adoption of section 213 of the Economy Act. Do not blame former President Hoover, blame me. I was willing to take the blame then and I am willing to take it now.

There has been more misrepresentation in regard to this law than in regard to any law that has ever been on the statute books. You all know the unemployment condition of the country at the time this law was passed, and every fair-minded man and woman knows that the unemployment condition of the country has not changed up to the present time. Dismiss from your minds the charge that this law discriminates against women. There is absolutely no discrimination against women in this law, because the act is in the event of a reduction in force, either the husband or wife must be furloughed before a man is furloughed whose wife is not working for the Government or before a woman is furloughed whose husband is not working for the Government. Where is there any discrimination against women there?

You hear a lot of talk about how this has affected the persons in the low-salaried jobs. The law has also affected those in the higher brackets. It was offered for that purpose and it cannot be ignored provided there is a reduction in force.

Let me call your attention to the fact that we have more people working for the Government of the United States today than at any time in the history of the country during peacetimes, and the number almost equals the number who were employed by the Government during the period of the war.

The President of the United States within the last 48 hours has said to every Government agency, "You must reduce your expenses during the coming year 10 percent." What does this mean? This means a reduction in personnel, and when this reduction in personnel comes, then section 213 applies, because the law provides that in furloughing employees either the husband or the wife must go before a single person is furloughed or before a married person is separated from the service where both the husband and wife are not employed by the Government.

We do not control industry. If we did, I would offer an amendment to make this law apply to industry, but you know it would not be constitutional.

Let me tell you something about what is occurring around the country. Just forget Washington. We all have some respect for the polls of the Institute of Public Opinion. They have taken many polls throughout the country on subjects of outstanding interest, but in no poll that they have ever taken has there been such a tremendous majority vote as was registered in opposition to husband and wife working for the Federal Government. The result shows:

The Nation votes overwhelmingly against both husband and wife holding Government jobs—89 percent to 11 percent.

Your constituents and my constituents are recorded in this poll. How can you go back home and say to your constituents that you voted for a law to keep husband and wife on the pay roll of the Federal Government and let a man be discharged who had a wife and five children at home? This is exactly what you are doing if you vote to repeal this law today. This is just as plain as the nose on your face.

I think I know a little bit about politics, and I will tell you that you will find there is political dynamite in this matter when you go back and face your people after voting to let both husband and wife work for the Government and discharge a man who has a wife and children at home.

Out in my section of the country I can get you all the stenographers and clerks you want who will work for $65 or $75 a month. They are fine, honorable people, and if you will get them such a job they will never forget you.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. The gentleman knows this does not affect Government employees in the higher salary brackets, and that is one reason the repeal of this section would be just and fair to the little fellow, because the higher-salaried person has not been hurt at all.

Mr. COCHRAN. I will say to the gentlewoman from Massachusetts that this section does affect those in the higher brackets whenever a reduction comes, and I sincerely hope that when the time comes, under the President's demand to reduce expenditures 10 percent, it will affect the higher-salaried people. It has hit some of them already and it will hit others when a further reduction comes.

Mrs. ROGERS of Massachusetts. Can the gentleman name a single high-salaried person who has been dropped because of this section.

Mr. COCHRAN. I may say to the gentlewoman from Massachusetts that I have in my office any amount of literature on this subject which I could present if I had the time. My telephone has been ringing almost constantly since this rule came out of the Rules Committee, with wives who are not employed by the Government pleading with me at my office and at my home not to give up the fight, saying, "Do not let our husbands be discharged while husband and wife hold positions."

You talk about industry. In my own home city, the Union Electric Light & Power Co., the largest utility in that section of the country, issued an order similar to this, but it went further. They do not wait for any reduction in force. They

gave orders that within 30 days every woman working for them whose husband was also employed must leave their service. The same thing occurred up in Boston, according to a letter I received this morning.

The gentleman talked about a letter he had received which he had placed in the RECORD. I wish the House would permit me for once to violate the rules, which I have never done, by placing a similar letter in the RECORD from an individual representing some clubs.

Mr. RAMSPECK. If the gentleman will permit, I never violated any rule.

Mr. COCHRAN. I did not mean to imply that. I should not have used the words so they might be misconstrued.

Mr. RAMSPECK. I had unanimous consent to put in the RECORD a speech delivered before the League of Women's Voters.

Mr. COCHRAN. The gentleman got unanimous consent and I do not charge him with violating any rules, but I would like to put in the RECORD a letter I got this morning from Boston. It would offset the statement the gentleman put in the RECORD. The letter I referred to and which I received permission to place in the RECORD follows:

MASSACHUSETTS WOMEN'S POLITICAL CLUB, INC.,
Boston, July 8, 1937.

Hon. JOHN J. COCHRAN,
Member of Congress, House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN COCHRAN: This organization, the Massachusetts Women's Political Club, Inc., stands firmly behind you in your endeavors to bar married women from jobs if their husbands are employed.

Civilization does not advance unless the mother can stay home in comfort and perform the functions allotted her by divine providence.

The Government must set the example to large corporations who want to employ married women. These respond to calls for part-time work for wages that a single woman with responsibilities or married men could not accept. Women in high-salaried political jobs, who also had husbands working, lobbied terrifically against a bill which we had in the Massachusetts Legislature to bar married women from civil service. This passed the house, but was not given fair treatment in the senate.

If financially independent married women were removed from jobs, thousands of positions would automatically be opened for those without work and needing work to live. With so many professional, technical, and industrial workers jobless, 100 perfectly competent applicants can be found for every civil-service position, or any position vacated by a married woman, who has a husband employed, no matter how capable she may be.

It is the absolute duty of the State and Nation to provide work for the jobless without increasing taxes to the point that they become confiscatory, as is now the case, due to relief loads and to expensive relief projects, which, ironically enough, furnish careers for many financially independent married women, who, before the depression made this work relief possible, were housewives. How does this relieve the unemployment situation? Jobless citizens, by hidden taxes that raise the cost of living, are forced to support them, as well as politicians' henchmen.

The public demands any sane plan to distribute jobs. The soaring cost of living requires that job distribution be placed on a businesslike basis.

Recently John J. Foster, treasurer of the Florence Stove Co., stated that his organization planned to distribute jobs more evenly by ruling that girls who marry must quit.

Businessmen realize that a double income in favored families, while others have no income, is poor policy. We can never have prosperity unless we increase purchasing power, and an army of welfare recipients prevent this.

Gov. Robert E. Quinn, of Rhode Island, did not wait for legislation but announced that all married women in State jobs whose husbands are gainfully employed should leave by the first of the fiscal year on July 1.

Senator DAVID I. WALSH, for many years chairman of the Senate Committee on Labor, sees eye to eye with our organization on this subject and went on record supporting our bill. In this connection it must be remembered that Senator WALSH, as Governor of Massachusetts, placed the mothers' aid law on the statute books of this State. He wants only to help the women least able to help themselves, as we do.

Labor organizations and many clubs sent in their support, like the Hoisting and Portable, Power Shovel, and Dredge Engineers, Locals 4 and 4B, I. U. of O. E., affiliated with the American Federation of Labor. The recording secretary wrote:

"This is to inform you that Local Union No. 4 of the Hoisting and Portable Engineers' Union voted to favor your proposed bill, and we are so notifying the Massachusetts State branch of the American Federation of Labor."

The Boston City Council unanimously supported a resolution presented by Councilor Henry Selvitella: "That the City Council of Boston hereby favors legislation which will in substance prohibit the employment in the public service of married women, not legally separated from their husbands, except in cases where the husband is incapacitated or his wages are too meager to support the family."

Prof. Guillermo Hall, head of the department of social sciences, Boston University, College of Business Administration, Boston, wrote:

"It should be quite clear to any clear-minded person that married women, especially those with children, who on account of death or disability of the husband, have to assume the economic responsibility of their households, should by all means be retained in any positions they may hold.

"I believe, however, in the forced retirement of married women who have husbands gainfully occupied."

Our American system of government is based on the family unit. Abandon that and we lay the groundwork for communism with children as wards of the state, or communism.

Mrs. Vincent L. Greene, chairman of Diocesan Congress of Catholic Women, when opening the drive against communism, stated:

"Communism's main attack is directed against the family as a unit of society. The salvation of the United States depends on the preservation of this unit."

Married women in jobs disrupt the family, neglect their children—if they have any—and further burden taxpayers by filling our institutions with juvenile delinquents and our hospitals with uncared for little ones.

Retaining married women in jobs is an act of injustice to citizens on the part of our elected public officials who appoint them and who tolerate them. Needy citizens with financial responsibilities should have their places.

An article in the June 5 issue of the Saturday Evening Post, by Gretta Palmer, brings out the point that national women's magazines have discovered that their housewife readers are bored by articles on career women, for their own husbands are out of work and they resent double incomes in families with none in their own.

The Massachusetts Women's Political Club, which claims the distinction of being the only women's organization in this State to fight for women to obtain jobs, views the problem of married women working from many angles, but the argument that we feel settles all others is that men and women have different functions in life. Married women are meant by Divine Providence to be homemakers. Married men, by Divine and man-made laws, are supporters of the home.

Legislation barring married women from civil-service jobs will not retard but advance women. There is no advancement for our sex while thousands of single women and widows in this Commonwealth, and in the United States, are driven to desperation through lack of work.

Records of hearings on this legislation will prove that the great support of it was not confined to single women, most of whom are graduates several years out of school and still jobless. Mothers concerned about the plight of their jobless grown children, civic-minded Americans, oppressed taxpayers, and unemployed men with families to keep appeared to give hearty, eager endorsement.

Sincerely yours for good government,

FLORENCE BIRMINGHAM, *President.*

I may say to the gentleman, with respect to the League of Women Voters, that all of their members in my home city are not in favor of repealing this law. I have talked with many about it. The League of Professional Women sent letters to all their members in St. Louis, and within 24 hours after they were received I had several of them, people came to see me and said, "You are right; do not give up the fight." I have defied the women's organizations to bring up this issue in my campaigns since the law has been enacted. I have pleaded with them but they have refused to do so, and when they refused to bring it up, I brought up the matter myself.

There was no statement I could make to the people in my district that brought me more applause than when I told them that if they wanted a man in Congress to repeal section 213 they should not vote for me; and I came back here with an increased majority in every one of the six times I have faced the people of my district. If there is any one question that will send me back to Congress a year from now it will be for the women's organizations of the country to go out in my district and fight me on the repeal of section 213.

Mrs. ROGERS of Massachusetts. But does it not seem to be a matter of justice, and not a matter of whether we come back to Congress or not? Let us leave the women voters out of it. It is a matter of justice to these workers who have been put out of a job, married people, when married people have taken their places, whose husband or wife has a job on the cutside.

Mr. COCHRAN. I say to the gentlewoman from Massachusetts, for whom I have the greatest respect——

Mrs. ROGERS of Massachusetts. And I have the greatest respect for the gentleman from Missouri.

Mr. COCHRAN. We generally agree on every subject, but this is one time when we do not. I have fought here for the merit system. Just the other day when there was a rising vote here, there were three Members on my side of the aisle who opposed taking the merit system away from certain Social Security employees, and I was one of the three.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mrs. ROGERS of Massachusetts. I yield the gentleman 5 minutes more. Will the gentleman not change and fight for the merit system in this instance?

Mr. COCHRAN. I am fighting for the merit system all the time, and I will vote for it, and I shall go on record now to put every position in the Government service under civil service, without exception.

Mrs. ROGERS of Massachusetts. Then I say keep them in it.

Mr. COCHRAN. I have always done that, and my record will show it. I think the chairman of the committee will bear me out in that statement. I have stood with him on this floor and have spoken in behalf of the merit system every time there was opportunity. I was the first one to speak against the section in the independent offices appropriation bill the other day when the amendment was under consideration in reference to Social Security Board, and I went to the conferees that handled the relief appropriation and begged them not to agree to the Senate amendment, which would have done the same thing to W. P. A.

Mrs. ROGERS of Massachusetts. That is why I think the gentleman is so mistaken in this matter.

Mr. LUCAS. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. Yes.

Mr. LUCAS. Has the gentleman any record of the number of employees that have been discharged under the present law?

Mr. COCHRAN. They run up to several thousand, but the more you reduce the force—and it is coming within the next year—the more are going to be furloughed, where husband and wife work for the Government.

Mrs. O'DAY. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. Yes.

Mrs. O'DAY. The record given me says that 1,835 jobs have been affected by section 213.

Mr. COCHRAN. I receive a report once a year on this law. The bill to repeal the law came from my committee, and in order to get it before another committee the author reworded the bill. Why? Because it leaked out that in the committee of which I am chairman, 19 out of 21 men were present, and that 19 of them wanted to put teeth into the law and not repeal it. They demanded that a subcommittee be appointed to investigate its operations. The subcommittee was appointed, but in order to be fair I did not even name the subcommittee; I let the subcommittee name themselves.

Mr. MILLARD. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. Yes. I yield to the gentleman from New York who introduced the bill to repeal the law.

Mr. MILLARD. Yes. The gentleman must know that this is one bill that every woman's organization in the United States is in favor of.

Mr. COCHRAN. And I say to the gentleman that when he talks about every woman's organization being in favor of it, he simply means the head of the organization, the executive committees. Take the Federal employees' organization. Ninety percent of the men and women working for the Government, where the man and the wife are not employed, are in favor of section 213 and in favoring of putting teeth in it. A former Member of this House, now head of an employees' organization, has been around here lobbying, and he is here now in the lobby, and he was here Tuesday in the cloak room. I have not tried to get a single vote against the gentleman's bill. All I want is to have the Members of this House know what they are voting on, and then I am satisfied. I have received letters and telephone messages since this law was enacted. I have been abused and villified in anonymous communications and telephone calls, but I say to you now there is only one regret so far as I am concerned, and that is that this law was drawn too hurriedly. It does not take in the District of Columbia employees and the emergency organizations, and if Members will support me today when the time comes, I will offer an amendment to include the emergency organizations and to include the District of Columbia. [Applause.]

Mr. McFARLANE. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. Yes.

Mr. McFARLANE. The gentleman referred a while ago to some poll, but he did not make it clear to the House what poll it is and just what it says. I wish the gentleman would enlighten the membership of the House and also give the date of it.

Mr. COCHRAN. It is dated November 15, 1936. That is the poll of the Institute of Public Opinion, which appears almost weekly in the large newspapers of the country. The question asked was whether the people were in favor of a husband and wife working for the Government, and the answer was to this effect: Eighty-nine percent said "no" and 11 percent said "yes." [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. SHORT].

Mr. SHORT. Mr. Chairman, I want to congratulate my colleague from Missouri [Mr. COCHRAN] in being honest and admitting that he is chiefly responsible for the enactment of section 213 into law. The able and eminent chairman of the Committee on the Civil Service [Mr. RAMSPECK] stated in the consideration of the rule that this section was enacted during President Hoover's administration, but of course I am sure he realizes that at that time his own Democratic Party had a majority in the House of Representatives.

Mr. Chairman, this is not and should not be a partisan matter. It should be considered solely upon the basis of merit. I am glad there are so many of us on the Republican side who are strongly in favor of the repeal of this unjust provision, as are many Members on the Democratic side.

The gentleman from Missouri [Mr. COCHRAN] has appealed to the Members of the House to vote against this bill because it will benefit them in a political way back home. The gentleman attributes his increased majority to the fact that he supported section 213, and does not discuss the merits of the measure itself. Surely my friend from St. Louis would not want to see one or the other of a married couple employed by the Government discharged while many unmarried employees of the Government, some from wealthy homes and many with no dependents whatever, are held on in the Government service. Now, that is the gist of the whole matter.

I have had many cases brought to my attention. There is one where a couple were contemplating divorce, and the man was asked if they were going to be divorced. He said, "No; but we would never have married and attempted to live on one salary." There is another where a wife lost her job under section 213, and after 2 years of desperate effort to survive economically, she ended in the divorce court.

The following example shows the serious situation created as the result of dismissals under the act: One husband answered that after many years of Government service he was discharged, and though he and his wife had children of their own, and parents as well as other in-laws to support, after being forced to give up his job under this provision, naturally many of his relatives were thrown upon the relief rolls.

I think the Members of the House should consider this proposition purely from the standpoint of merit. If we repeal section 213, that does not necessarily mean that the

unmarried employees in Government service will be discharged. It simply means that the discrimination now existing will be removed, and married people will be put on an equal footing with the unmarried employees, and all be given the same consideration. It appears to me it is more a matter of administration than of legislation, and that if we repealed section 213 we would allow many married couples in the lower brackets of the Government service who find it difficult because of the high cost of living in the District of Columbia to continue upon a decent plane of living; whereas if we fail to repeal this section, we will force many of them or their dependents upon the relief rolls or into the divorce courts.

Mr. MILLARD. Mr. Chairman, will the gentleman yield?

Mr. SHORT. I yield.

Mr. MILLARD. The gentleman from St. Louis [Mr. COCHRAN] spoke about a poll. He was speaking about a poll on the complete repeal of the Economy Act. The bill before the House today is to repeal everything under $4,000. It does not affect any joint salary above $4,000. So that the poll he was talking about does not apply.

Mr. SHORT. The gentleman from New York [Mr. MILLARD] is correct; but I do not care what the results of any particular poll show. The results of that poll do not necessarily make it just and right. Often the majority are wrong.

Mr. LAMBERTSON. Mr. Chairman, will the gentleman yield?

Mr. SHORT. I yield.

Mr. LAMBERTSON. The gentleman spoke about discrimination between married and single women. Does not the gentleman recognize that in industry they have been discriminated against for half a hundred years?

Mr. SHORT. Yes; and I want to point out the further fact that a married woman in middle life who is discharged from Government service finds it exceedingly difficult to find employment in industry because of the pension regulations and requirements in industry.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. SHORT] has expired.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield the gentleman from Missouri 3 additional minutes in order to ask a question.

I believe this should be called the married couple's clause rather than the married women's clause, because in many instances it has been the husband who has been robbed. Because he was earning the lower salary he has been thrown out of work. It is natural for a family to want as large a salary as possible, as it is natural for the one with the lower pay to take the dismissal. He has had to stay at home and take care of the children, and in many instances it has not come out very well, because his wife feels resentment because she is working, and the husband feels humiliated because he is not working. It should be called the married couple's clause instead of the married women's clause. Do not put it all on the women.

Mr. SHORT. The gentlewoman from Massachusetts is absolutely correct.

Here is another case. A wife who had been working for 10 years, 40 years old, with a salary of $1,900, was compelled to resign. With her dismissal her father went on relief and a family that had been given clothing for three children is now entirely on relief. In another instance a wife helped clothe five children of a brother who was ill and out of work in a southern city. She got $1,740 and was 45 years old. Her husband, who had been with the Government 29 years and 9 months, was 63 years old, and received $2,800, and was dismissed under section 213. The family which the wife was helping had to go on relief, and no funds are available to send the children to school.

For 2 years one couple had kept seven children in their home. When the woman lost her job, however, merely because her husband also was employed by the Government, three of these people went on relief. The wife had worked 15 years and was earning a salary of $2,100, at the time of her dismissal.

If I had time, Mr. Chairman, I could go on citing innumerable instances of hardship that have been worked on married couples under the provisions of this particular act.

Mr. DEMUTH. Mr. Chairman, will the gentleman yield?

Mr. SHORT. I yield.

Mr. DEMUTH. Will the gentleman tell us what the husband of this woman was doing?

Mr. SHORT. The husbands of these women after their dismissal, merely because they were married, could not find employment even after 5 years of the New Deal in which you have practically doubled our national debt and have ended each year with a huge deficit ranging all the way from $2,000,000,000 to $4,500,000,000. [Applause.] They cannot yet find employment.

Mr. DEMUTH. Put the women back in the homes and give the husbands the jobs they should have and they will be able to support their families as every red-blooded American should do.

Mr. SHORT. I have some sympathy with that statement and these men would like to do it if they had the opportunity. Under section 213 they do not have the opportunity and that is why the section should be repealed.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. SHORT. I yield.

Mr. NICHOLS. The gentleman comes from a great section of the United States. Is it not and has it not for a great many years in that section of the country been the custom that the head of the family should earn the living for the family?

Mr. SHORT. Why, certainly, as it should be, and as it still is.

Mr. NICHOLS. If the head of the family is employed in the Government the gentleman does not think other members of the family should be put on the pay roll of the Government does he?

Mr. SHORT. If the other member of the family is capable and rendering efficient service I see no reason under God's sun why he or she should be discharged from the pay roll of the Government whether he or she be married or single, in favor of some inefficient person. Qualification and performance rather than marital status of the individual should be the criterion in selecting Government employees.

Mr. Chairman, I yield back the balance of my time.

Mr. RAMSPECK. Mr. Chairman, I yield 4 minutes to the gentlewoman from Indiana [Mrs. JENCKES].

Mrs. JENCKES of Indiana. Mr. Chairman, I appeal to my colleagues to repeal this unfair act known as section 213, which discriminates against women. I believe in absolute equality between men and women. Women have demonstrated their ability to assume, in addition to the duties of homemaker, the additional duties of public service.

Section 213 was enacted as an economy act. It was presumed that by depriving a married woman of the privilege of helping her husband by accepting employment with the Government that a position would be made for someone else.

As it is well known that Government employees are underpaid for the type of service they render and are subject to the strictest of regulations and rules, it is the extra money a wife might make serving the Government, while of importance to the family, is not a factor in Government economy.

I have voted against this notorious section on every occasion. When I voted against the original Economy Act in the Seventy-third Congress I did so in order that I might protect those very fine women who, in addition to the duties of making a home, were willing to assume additional duties in order that the family income might be increased. I think this is a most commendable attitude on the part of women who desire to help their husbands, and I protest against the Federal Government interfering with the efforts of man and wife in their struggle for economic security.

Women are casting 50 percent of every vote in every election, municipal, State, and Federal, and women are entitled to an equal standing with men at all times. Women are going to demand that all discrimination against women by our Federal Government be eliminated immediately. The

Democratic Party has always stood for equality for women. It was the Democratic Party that gave women the right to vote, and it was our present Democratic administration under our great President, Franklin Delano Roosevelt, who first recognized the ability of women by placing them in high positions of public service and public trust. So, let us not disgrace that glorious record by retaining an unfair law, passed in the name of economy, which cruelly discriminates against women who are standing shoulder to shoulder with their husbands in the fight for economic security.

There are many other ways in which direct and genuine economy can be effected in public service. The taxpayers are groaning under the heavy taxes which they are paying in order to overcome the evil forces of the depression. But now that we have again been faced toward prosperity by our Democratic administration, let us not discriminate against those fine American women who are setting such a glorious example by their willingness to work in order that the family income might be increased and in order that this increased income might provide funds for those useful purposes which such loyal wives desire to possess for the benefit of their families.

I appeal to every Member of Congress to keep faith with your feminine constituents by voting to eliminate this un-American act which has been made law during a period of national distress. I call upon every American woman to become politically militant and demand that discrimination against women in America shall not find a place in the laws of our Nation.

I thank you. [Applause.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. MILLARD].

Mr. MILLARD. Mr. Chairman, on the first day of the session I introduced a bill to repeal section 213 of the Economy Act, but it seemed impossible for the opposition to put the complete bill through. Probably, the best and fairest bill may be the one that is presented for our consideration this morning for I am inclined to think I went too far in my original bill.

The bill under consideration affects those in the lower brackets, where the joint salaries of husband and wife amount to less than $4,000. Where they amount to more than $4,000 they are still subject to the Economy Act passed several years ago.

It seems to me awfully unfair to make the women choose between a job and a husband. Women love and women marry for exactly the same reason they have always loved and married, but the economic condition has gotten tremendously acute and it would wreck the world to take all women out of industry and put all the earning power today on the backs of men.

I asked your committee to repeal section 213 of the Economy Act, to correct what I deem to be rank discrimination and a very grave injustice. This bill is more fair. It has given rise to partiality. It was put into the Legislative Appropriation Act of 1932, I believe, as an expediency, so as to spread jobs; but apparently is being held in the body politic as a permanent proposition and, certainly, it has not had the original effect or intent of spreading jobs. On the contrary, it has given rise to a great deal of discrimination; and, a great deal of rank injustice in penalizing woman, for example, because she is married, irrespective of her qualifications and fitness for the job. This practice is not only unscientific but a discrimination, and is highly violative of what we are very proud to proclaim as equal rights. [Applause.]

In going through some of the departments and some of the bureaus, we find that in some they enforce the act but in a great many others, I am credibly informed, they do not.

There are approximately 36,000 married women in the Government service; of there married women there are about 1,600 whose husbands are on Federal pay rolls. I have been informed that there were about 16,000 spouses affected by that act so that when we thought in the beginning we were to spread jobs, all we did was to affect 1,600 jobs, as it were, which is utterly ridiculous. Some bureaus apply the standard and other bureaus do not apply the standard, and very strange to relate when it comes to those women, those married women whose husbands are in the service who get larger salaries, are not affected because of varying reasons which I am unable to disclose at this time.

If it is to apply to all jobs, let it also apply to the legislative branch of the service also. You members of the committee know that there are many men in Congress and men in very high positions in the Government who have their wives and members of their families on the roster of Government employees. So if you are going to insist that spouses of employees of the Government no longer obtain their salaries, then I say apply it to all manner and kinds of service, the legislative branch as well.

The following organizations will support this bill and many have representatives present to testify today.

When a married woman who has been in the service for a great many years is dismissed because of marriage she loses not only her civil-service status but all of her pension rights. Certainly this should be taken into consideration by your honorable committee. The following organizations approve the repeal of section 213: The American Federation of Government Employees, the National Women's Trade Union League, the National League of Women Voters, the National Federation of Business and Professional Women's Clubs, the National Educational Association, the National Association of Women Lawyers, the American Federation of Teachers, the Women's Homeopathic Medical Fraternity, the Women's Bar Association, the American Association of University Women, the Medical Women's National Association, the National Women's Party, the Government Workers' Council, the Washington Chapter of American Association of Social Workers.

Mr. RAMSPECK. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, there is no perfect answer to this problem. I offered the original bill which had for its purpose the outright repeal of section 213 of the Economy Act which to my mind was and still is a rank discrimination against marriage, and, as a result, necessarily against married women, because the stigma or the burden falls primarily on the married women. The female suffers primarily, not the male spouse. This bill is a compromise, and I hope in the spirit of compromise that the members of the committee will accept this bill.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. SHORT. At a time when every other nation in the world is encouraging marriage we are discouraging it in this country.

Mr. CELLER. I quite agree with the gentleman.

Mr. SHORT. The effect of section 213 has been to result in many secret marriages and in a great deal of mental and moral struggle, especially where children were born.

Mr. CELLER. I urge the Members to read the hearings, particularly page 51, to learn how illicit relationships have been encouraged. This indicates succinctly how serious this situation is. Hundreds of couples are living in sin in this city and the rest of the country because of the stubbornness of some of the Members of Congress who fail to see the light on this subject.

Mr. E. Claude Babcock, president, American Federation of Government Employees, testified as follows:

> Girls come in here from the States under the apportionment provisions of the civil-service law, and they go to work in the Federal establishments. They have no social connections in Washington. Boys come in from the States, and they have no social connections in Washington. The very first and the most natural thing which occurs is for the boys and girls to go to movies together, or to walk down the streets together, or for a boy to accompany a girl home.
>
> Section 213 did not change the law of nature. The result is that these people are both building up in themselves a resentment against the Federal Government for preventing them from having the normal marital relationship on the one hand, and if they re-

frain from any breach of the present code of ethics or code of morals they resent the Federal Government's efforts to make them refrain from a perfectly normal marriage.

But, unfortunately, many of them—and I am speaking now from actual cases—many of them do not refrain. The law is not severe enough. Absence from their homes and the normal restraints about the home make it an actual fact that many of them are living together actually. These facts are known definitely, not only to myself but many people here in Washington. My office happens to be a sort of clearing house where the cases come up.

I had very recently the unfortunate task of removing a girl from an office who was in hysterics, put her on a train so that she could have her baby without too much trouble, too much notoriety. That is just one case, but there are others—I would say scores of others. And there are scores of cases in which there have not been babies, but in which perfectly good, normal American boys and girls are living together outside of matrimony, not because they happen to be Government employees, not because they are less moral than anybody else, but because they regard this law as an attack on a basic human right, a basic human right higher, if you please, than the Constitution of the United States, the right of men and women to love each other and to live together.

A lot of them are just overlooking marriage. A lot of them are going through secret marriages or concealed marriages, and all of these things are nothing other than the very reasons for which our law, our American law, provides and prohibits any restriction on marriage.

It seems to me that this is the crux, the immediate crux of this whole situation: That Congress in its wisdom might desire to prevent appointments. In that case it would not be as much from the moral standpoint, because I doubt very much whether any person, or many persons at least, would decline to marry because it would make him lose the opportunity to get a job, but because the loss of a job is an entirely different matter, and the economic unstability resulting from the loss of a job is often just enough of a factor to bring about nonmarriage, and that is a point that I want to particularly make, Mr. Chairman. I feel this very deeply. I have been concerned with the attacks on Congress and that which is a derogation of the rights of women. I think in practice it has had that effect, but I do not feel that the Government or Congress intended that effect. I am highly concerned, as a citizen of the country, that the Congress shall not, that the State shall not, in following the example of Congress, put a positive, definite penalty on marriage.

This section 213 was originally a part of the Economy Act. We were supposed to save jobs and conserve salaries, but no economy was involved. Just as soon as one married woman was put out of the service, somebody took her place. The original bill, section 213, was to apply only in case of "reduction in force." But it applied even when there was no reduction. Furthermore, only those in lower grades were affected. Those in higher grades were always left unmolested—I mean the high-salaried jobs. Those holding such jobs were deemed indispensable. They remained always unscathed, unmolested. But the little fellows—spouses with small salaries; they had no influence, no friend at court—they were always the first to go. Charwomen, typists, stenographers, women in lower grades, they were never saved. Wives of enlisted men—soldiers and sailors—with $55 per month, they were always compelled to leave the service. They had no choice. Their enlisted husbands could not leave the service and thus save the jobs of their spouses.

When we speak of economy, it is woefully ridiculous. There was no spread of employment. There were no new jobs created. One job vacated by one was filled by another. In fact, section 213 is the only section left of the Hoover Economy Act. Pass my bill and get rid of it.

When we hear statements that there is no discrimination, I say that argument is ridiculous, and I make the statement with all due respect to the gentleman from Missouri, my distinguished friend. There are 36,000 married women in the entire civil service out of some 700,000 employees, and 80 percent of the married couples affected involved women being compelled to leave the Government service.

When it comes to couples involved, and 80 percent of the burden falls upon the women, and you tell me there is no discrimination, I say you are woefully lacking in ordinary understanding. You say no discrimination? What about the legislative branch of the Government? The Members of the House and Members of the Senate have many wives on their pay roll. The distinguished head of the other body has his wife on the pay roll. Is not that discrimination? Is that not discrimination against the poor charwoman that was dismissed because of the salary her enlisted husband receives, namely, $55 per month?

What about the alphabetical bureaus? I will name you some departments where one of the married spouses may be in the alphabetical bureau and another spouse may be under the civil service, and together they can earn $15,000 a year and still remain in Government employment. Do you call that discrimination? I do. Section 213 did not apply to the N. R. A. It did not apply to the A. A. A. It does not apply to the R. F. C. It does not apply to the S. E. C. It does not apply to the Rural Electrification Administration, the Federal Home Loan Bank, the Electric Home and Farm Authority, the National Youth Administration, the Commodities Credit Corporation, the citizens' civilian camps, or the T. V. A. Where in the world do you get the argument that there is no discrimination?

Apply it to all those bureaus, apply it to the legislative branch of the Government, apply it to the executive branch of the Government, and when you so apply it then I will admit there is no discrimination; but until then we have the vilest kind of discrimination. That is what I am trying to weed out. I cannot weed it out in its entirety because, as I said in the inception of my remarks, this is a compromise measure. We seek to help those couples who earn less than $4,000 a year. We do not want to hurt the little ones. Now we find, as someone indicated, that practically every female organization of prominence in this country is behind this measure. I will say that almost all important male organizations as well are behind the bill. [Applause.]

In this country, where equal opportunity for life, liberty, and the pursuit of happiness is supposed to be guaranteed to all, women of wealth and distinction are accorded a privilege which is denied by law to those in less fortunate circumstances.

Many people who are clamoring for these positions preferred to remain on the outside at larger salaries while Government workers served faithfully for $1,000 a year or less.

Women entered the Government service through competitive examinations. No question as to their marital status was raised. The requisites to retain the positions were high efficiency and good conduct.

The law is an attack upon civil-service system, since it makes the marital status of an employee the basis for dismissal rather than his or her efficiency rating.

No question is ever raised over single persons with no dependents drawing salaries of $5,000 or $10,000. There is no thought of cutting their salaries in half.

The average Government salary is less than $1,500 per annum. When these women lose their positions they lose their rights to annuities which, in the case of small-salaried people, means the difference between a provided-for old age and one spent on charity.

The present retirement laws provide that a person of 45 or more who has had 15 years of service and who is involuntarily separated from the service is entitled to a deferred annuity beginning on his or her fifty-fifth birthday. Many of these women who have been separated from the service were within a few years of their forty-fifth birthday. Scores of others were over this date, some of them well along in years, so much so that they will never be reemployed, but had not served the required 15 years. A few months' service—a year's time in many cases—would have allowed them this old-age insurance.

Section 213 destroyed many pension privileges and retirement rights, and destroyed the same unnecessarily. Many men and women were near the retirement age when they were summarily dropped. These people were, I would say, all in their late forties and fifties. Some of the men had well over 30 years of service, others had served 15, 20, and 25 years, and some of the women had as much as 27 years of service. You know, in Government employment, employees are entitled to retire after 30 years' service when they have reached a certain age, and so these men and women were anxious to see not only that the one whose service was the longest be protected, but also that the one

who could obtain work, paying employment on the outside, be the one to go. There was a good deal of discussion backward and forward among the about 40 or 50 families, and finally a number of the men decided to take the dismissal rather than force their wives out. This law has been used as an absolute barrier for the reemployment of those men; in fact some of them have gone so far as to state that they have been blacklisted for their type of work. It really has been a tragedy.

I repeat again, I would rather have the limitation of $4,000 out of the bill than in it. It is a compromise. I do not like it. If one man or one woman—each single—is worth $6,000 each to the Government, either can get such salary. But if husband and wife together are both worth more than $4,000 to the Government, they cannot get it.

Data on the effect of section 213 was collected by the Government Workers' Council and was correlated and analyzed by the Woman's Bureau of the Department of Labor. Following are excerpts from this data together with comments.

In June 1935 about 1,900 questionnaires were sent out by the Government Workers' Council to people who had been dismissed under section 213. The names of these people were secured from Government departments.

Returns were received from 697 persons—568 women, 129 men—living in various parts of the country, from Maine to Florida, and from New Jersey to California, including the Canal Zone and the District of Columbia.

Their employments had comprised many skilled and highly trained occupations, including several of the professions, besides occupations of less skill; in addition to clerical workers the questionnaires indicate that among the persons dismissed were teachers, draftsmen, technicians, laboratory assistants, library assistants, printing operators, and so on, as well as charwomen, elevator operators, and laborers.

The measure under discussion was passed with the object of economy. Also, it was hoped that it would spread work. Four-fifths of the 581 replies covering the permanence of the vacancy stated either that places vacated were filled or that the agency took on additional personnel, in many cases shortly after the dismissal.

Persons who lost their jobs were largely among the lower-paid employees. Of 643 reporting their basic salaries, over one-fourth—27.8 percent—had earned under $1,500; one-half—51 percent—had received between $1,000 and $1,800. Over 60 percent of the men and more than 70 percent of the women had basic salaries of less than $2,000.

By basic salary is meant the salary of the employee before deductions for retirement and for the economy pay cut were taken out; that is, a $2,000 basic salary actually amounted to only $1,629.84 during the time the 15-percent cut was operative—April 1, 1933, to January 31, 1934—and to $1,729.84 when the cut was reduced to 10 percent—February 1 to June 30, 1934. The remaining 5-percent pay cut was not removed until March 31, 1935. In addition to these reductions, some cases show that Government departments imposed still further reduction by means of the furlough, and in one case a 10-percent salary cut throughout a department is mentioned.

More than two-thirds of those reporting had been in the Government service for 10 years or longer.

Nearly one-tenth of the 695 reporting age were 50 or more, larger proportions of the dismissed men than of the dismissed women having reached such ages. Practically 38 percent of those reporting were at least 40 years of age, and nearly 30 percent in addition were 35 and under 40.

Of 673 individuals reporting their present status and earnings, 80 percent were entirely unemployed, and another 15 percent had work that paid them less than they earned before.

If you take a job away from one woman whose husband works for the Government and give it to a woman whose husband works outside of the Government—how are we spreading jobs? Yet this is possible under section 213. Why limit the ban to spouses? Why should not children, brothers, sisters, nephews, and nieces be included? In that sense, the President himself is not guiltless—however, I do not criticize the President. Why lay down the condition "if either spouse is in the Government service?" Why limit the condition to "Government service?" Why not add the condition "Government or private employment", so that if one spouse is privately employed, the other spouse would be barred from Government service, and vice versa?

Mrs. Roosevelt earns money on the radio. Therefore, by that argument, the President would be disqualified—that is the argument of spreading employment, a type of argument, we see, that can easily be reduced to absurdity. We all know, of course, that our country is all the more greatly benefited by both Mrs. Roosevelt's worthy activities and the President's splendid services to the country.

Mrs. Franklin D. Roosevelt has added her voice to those who have pronounced as unfair that section of the economy act under which married women have been dismissed if their husbands also worked for the Government.

Saying that she agreed with a statement made by Miss Francis Perkins, Secretary of Labor, Mrs. Roosevelt gave it as her personal view that dismissals should be a question of efficiency, and the good of the service.

The mere fact that two married persons were working for the Government, she pronounced a poor reason for dismissal of one of them, especially in view of the fact that Federal salaries are so low it would take the earnings of two people to educate four or five children and support a father and mother.

Continue section 213, and you place a bar sinister on marriage. You discourage young people in Washington and elsewhere from marriage. Take the case of the teachers. You would never dream that this section would affect the teachers in the District of Columbia. Yet it did. Mrs. Page Kirk, representing the Senior and Junior High School Association of the District, made some very telling contributions at the hearings. She said:

There are 2,880 teachers in the District. Of those, 299 are married persons who are directly affected by clause 213. There are also young teachers, mostly in the lower grades, who would like to be married. They are not included in that 299, but they are affected also.

We made a survey, or my association did, a year ago of the teachers who had been forced to resign because of 213. We found that most of them were supporting children or other dependents. A large percentage of them originally came back into the schools to educate their children. They are professional people with college educations, generally married to college men, and they wish a college education for their children. You cannot send a boy or girl through college without more money than these fathers made. Therefore the mothers went back to school teaching. That was one of the commonest reasons given for mothers working.

Another reason with younger women was that they wanted to buy and pay for their homes. When this was done the wife would resign and start a family. Because doctors' bills and other expenses come, and families have many times lost partially paid-for homes where one salary is not enough. These wives wish to work for pay for a few years after marriage.

There was a third reason. Many are supporting or helping to support mothers, fathers, or other relations of her own. A self-respecting woman likes to take that responsibility on her own shoulders, if she can, not ask her husband to take it.

There is one side of the married-teacher problem that I do not think has been considered—that of the children taught. Perhaps because I myself am a mother it has always struck me particularly. Here in Washington we have very nearly 100,000 children in the public schools. They are mostly taught by unmarried women. If we had men teaching the boys, it would help, but we cannot get men into the schools. As it is now, the salary is not enough for a man to support a family; therefore, few men teach. The few we have are mostly in the executive positions, the higher-salaried group. That means that our children have unmarried women teachers only, if our married women are to be forced out.

Marriage is a natural relationship. Penalize it and you run two risks. You may drive from the teaching profession fine young women with the natural, the normal, desire for a husband and children, and you keep in it, to train our boys and girls for life, a group of women who have never lived a complete life themselves.

I do not wish to criticize the unmarried teachers; there are many splendid ones in our schools, but they are excellent in spite of, not because of, spinsterhood. They should not have the entire training of the youth of our country.

Civil service assures, supposedly, first, merit in service; and, second, security of tenure. Both of these provisions

are violated by section 213. A man may have a percentage of 99.9, but he would be barred if his wife is employed in the Government. However, if his son and daughter were employed in Government service and lived separate from him, he would not be barred.

Marriage is certainly an extraneous factor as far as civil service is concerned. It has not the remotest connection as to, first, fitness; and, second, qualifications. Yet, if you apply the marriage test, many other unrelated tests may be applied. It would be an entering wedge. It would be just as logical to inject the question of race, religion, or nationality. Furthermore, govermental discrimination against married women would set an example for discrimination outside of Government service.

Some very interesting findings made by the Women's Bureau of the Department of Labor on the effects of dismissing married persons from the civil service, are herewith set forth:

EFFECTS OF DISMISSING MARRIED PERSONS FROM THE CIVIL SERVICE

Provision for the dismissal of married persons, in the case of reduction in personnel in any classification in the Government service, if the spouse is employed also by the Government, was made in section 213 of the Economy Act of June 30, 1932. While the history of section 213 cannot be discussed here, it can be said briefly that opinion was sharply divided as to the wisdom of the measure, but it was included as a part of the whole plan to effect reduction in Government expenses.

The report that follows is based on data collected by the Government Workers' Council, which endeavored to determine the actual results of section 213 as reflected in the lives of the people affected. In June 1935 about 1,900 questionnaires[1] were sent out to people who had been dismissed[2] under this section. Returns were received from 697 persons (568 women, 129 men) living in various parts of the country, from Maine to Florida, and from New Jersey to California, including also the Canal Zone and the District of Columbia. Data from the questionnaires have been tabulated and analyzed by the Women's Bureau of the United States Department of Labor.

Their employments had comprised many skilled and highly trained occupations, including several of the professions, besides occupations of less skill; in addition to clerical workers the questionnaires indicate that among the persons dismissed were teachers, draftsmen, technicians, laboratory assistants, library assistants, printing operators, and so on, as well as charwomen, elevator operators, and laborers.

GENERAL SUMMARY OF FINDINGS

Measure effected but little economy: The measure under discussion was passed with the ostensible object of economy. That it resulted in little or no economy is indicated by the fact that four-fifths of the 581 replies covering the permanence of the vacancy stated either that places vacated were filled or that the agency took on additional personnel, in many cases shortly after the dismissal.

The small proportionate saving in Government expenditure is further indicated by the fact that the persons who lost their jobs were largely among the very low-paid employees. Of 643 reporting their basic salaries, over one-fourth (27.8 percent) had earned under $1,500; one-half (51 percent) had received $1,000 and less than $1,800. Over 60 percent of the men and more than 70 percent of the women had basic salaries of less than $2,000.[3]

Measure seriously undermined social security: Even had some small saving been made, it would have been at the heavy expense of the social security which is being sought so urgently by both National and State Governments, especially since those affected were for the most part employees of long service who had been appointed originally after passing examinations and were highly experienced. More than two-thirds of those reporting had been in the Government service for 10 years or longer.

Another serious undermining of social security is represented in the age of those dismissed persons, many of whom had reached the years when it is almost impossible to obtain remunerative work, especially in depressed times. Nearly one-tenth of the 695 reporting age were 50 or more, much larger proportions of the dismissed men than of the dismissed women having reached such ages. Practically 38 percent of those reporting were at least 40 years of age, and nearly 30 percent in addition were 35 and under 40.

Measure had serious results for families affected: The lowered living standard resulting from the act is indicated in the fact that of 673 individuals reporting their present status and earnings, almost 80 percent were entirely unemployed and another 15 percent had work that paid them less than they earned before. Naturally, the combined family earnings were cut sharply in most cases. Certain of the disastrous effects of this situation are indicated in the following facts:

Nearly three-fourths of the 697 families reporting had persons entirely dependent upon them for support. There were at least 2,927 persons actually affected by the dismissal of these 697.

In 266 families there were children in the family, practically all of them dependent on their parents. In very many cases there were other relatives, sometimes whole families, often with children, dependent on the families whose earnings were cut.

In many cases the family was forced to reduce expenses by dismissing household helpers, often with families dependent upon them.

In many instances in which the family of the dismissed Government employee was forced to withdraw support, the families of relatives or household employees were thrown directly on relief.

In a considerable number of instances, homes were lost or payments could not be kept up because of loss of job by one of the family wage earners.

Measure affected veterans adversely: Though the questionnaire sent out did not inquire as to veteran status of the person dismissed, 29 replies volunteered the information that those who had lost their places were veterans, and 22 of these still were without jobs.

FINDINGS OF EARLIER STUDY SUMMARIZED

A preliminary study of the application of section 213, issued by the Women's Bureau of the Department of Labor in April 1935, covers data secured by consultation with those Government departments coming under this law (the newly created agencies were considered generally not under its jurisdiction); the information was gathered in the main from personnel officers and includes estimates of the numbers affected and of the salary ranges of the dismissed employees, as well as comments on the law as administered in their respective departments. Its findings as of the date of survey may be summarized briefly at this point.

Of the 685,975 employees in the service of the Federal Government or the District of Columbia on December 31, 1934, 1,603 employees were reported to have been separated from these services because of section 213. More than three-fourths of these separations were of married women, the remainder being married men. In actual numbers, the separations were heaviest in the Treasury Department, the Veterans' Administration, and the Department of Commerce.

LOWER-PAID EMPLOYEES SUFFERED MOST FREQUENTLY

Salaries of well over half of all those separated were obtained, and these show that over 80 percent of the dismissed employees had basic salaries of less than $2,000. Departments not furnishing specific salary data stated that the middle and lower groups had been affected to a far greater extent than the higher-paid employees. This was due chiefly to the fact that naturally it was thought wise, wherever possible, to retain for the efficient conduct of Government business employees who were carrying on executive and administrative work requiring a high degree of skill and experience.

Merit suffered: In many cases departments had to lose employees regarded as especially fitted for the service they were rendering, only to learn that some other department not subject to section 213 took them on. Where married couples themselves decided which should leave the service, as was a common practice, the law operated to defeat the purpose of reduction, as frequently it left on the rolls the person whose services were not required further, and at the same time took from another department the spouse whose services may have been in demand. In departments having employees classified both within and outside of the civil service, the cut was first applied to those employees not under the civil service, and because it met with immediate opposition from political supporters of those appointees, the cut then was directed to the civil-service class, though the department often would have preferred to retain these more experienced workers.

RELIEF ROLLS INCREASED

That the law was applied in many cases without regard to the effect the dismissal of husband or wife would have in increasing the relief rolls of the county and the National Government is shown by the questionnaires here considered. Inability to continue the support of dependents (many of them aged) was the direct result in case after case of dismissal, and not one dependent alone was forced on relief due to depleted family income but in some whole families of five or more who had been supported by a Government employee now dismissed. Some examples follow.

[1] One thousand six hundred and thirty-five names of persons who suffered loss of jobs under sec. 213 were secured from Government departments; of the forms sent to these, 289 were not delivered, chiefly through lack of proper address. In addition, questionnaires were sent to about 40 teachers and to about 25 other people whose names later were furnished as not being on the Government lists of persons dismissed.

[2] In the discussion following, the term "dismissal" is used to cover both the situation where actual dismissal took place and that where a husband or wife, given a choice, resigned to save the partner's job in another branch of the Government service.

[3] By basic salary is meant the salary of the employee before deductions for retirement and for the economy pay cut were taken out; i. e., a $2,000 basic salary actually amounted to only $1,629.84 during the time the 15-percent cut was operative (Apr. 1, 1933 to Jan. 31, 1934) and to $1,729.84 when the cut was reduced to 10 percent (Feb. 1 to June 30, 1934). The remaining 5 percent pay cut was not removed until Mar. 31, 1935. In addition to these reductions, some cases show that Government departments imposed still further reduction by means of the furlough, and in one case a 10 percent salary cut throughout a department is mentioned.

A wife helped clothe five children of a brother who was ill and out of work in a Southern State; she got $1,740 and was 45 years old; her husband, who had been with the Government 29 years, 8 months, and was 63 years old, receiving $2,800, was dismissed under section 213 of the Economy Act. The family the wife was helping had to go on relief, and no funds even are available to send the children to school.

For 2 years a couple had kept seven people in their home, and when the woman lost her job because her husband was working for the Government also, three of those people went "on welfare" and are living elsewhere. The wife had worked for 15 years, and her salary was $2,100.

A wife who had worked 10 years and was 40 years old, with a salary of $1,900, had to resign; with her dismissal her father went on relief, and a family that had been given clothing for its three little children whose parents were on the county, is now entirely on relief.

Loss of a wife's job resulted in placing two other families, in different parts of the country, on relief; together she and her husband had been supporting them.

A father and widowed sister of a Government worker are now on relief due to the dismissal of a married woman in Government service whose husband also worked for the Government. She had worked for 15 years.

The father and mother of a married woman forced to resign her job are now on relief; she and her husband each got $1,680; they have two children to support, and with the loss of her job her parents could not be supported any longer and had to apply for relief.

Besides the relatives thrown on relief by the dismissal of married persons, many of those who lost their jobs had to let go their household employees and helpers of various types, thus further swelling the relief rolls and the lists of applicants to employment agencies. The dismissal of laundresses, cooks, and maids is shown by the questionnaires; such groups of working people had been discharged from homes where the income was suddenly and without warning cut when married persons lost their jobs under section 213. The following are typical examples of this situation:

"A wife who resigned to make her husband's job safe had to let a servant go who was supporting nine people on her wages. The wife was receiving $1,900 at the time of dismissal and was 46 years old. (The other results in this case include her own insurance dropped, as well as the two children's, money borrowed on husband's insurance to tide over expenses, with payments on their home reduced 50 percent, the property deteriorating, and the family in debt at present.)"

When the wife in one houshold resigned her job to save her husband's position in another Government department their woman housekeeper, with three children and unemployed husband, was discharged and the housekeeper's family all are on welfare now.

VACATED JOBS FILLED

Before discussing the changed circumstances that are found in the personal lives of the individuals dismissed under section 213 it should be emphasized here that evidence seems to show that the law was used as a reason for the dismissal of married persons as such. In slightly over four-fifths of the cases reporting the job had been filled, or additional personnel had been taken on, often shortly after the dismissal of the married person. The opening phrase of section 213 sets forth the condition under which it was intended to be operative since it reads, "in any reduction of personnel" an employee whose spouse is also in Government service shall be the first to be dismissed.

One reply reports that their branch office received a blanket order from the department at Washington to dismiss all married persons whose spouses were in Government service, and, she adds, though the office in which she worked had the necessary funds to cover salaries, she had to resign when the order came in.

As to whether the job vacated was filled after dismissal of the married person, 581 questionnaires contained answers to this question. It is significant to note that 474 replied that their jobs had been filled. And there were 116 that made no report on this question. Yet they were told "reduction in force" or "lack of funds" made necessary the dismissal of some employee and their marital status marked them as the first to have to go. One reply reported that the force was more than doubled subsequently.

One man who was forced to resign after working for 12 years, with aged parents dependent on him, states that 1 month after his dismissal hundreds of men were taken.

One reply states that after the discharge of 45 employees because of "reduction in force", the following week 50 were employed.

A married woman who had to resign her job because of section 213 reported that her job was filled by a married woman whose husband also was in the Government service. This dismissed employee had worked 16 years at her job, was 43 years old, and had a dependent mother.

Following the dismissal of one married woman from her job, and others likewise affected in her office, the very next week or two after they were let out, the department hired hundreds of people to fill their places and newly created jobs.

For a year after the dismissal of one married woman the money for her salary was sent to the station every month and was returned to Washington each time; her husband was a veteran and was employed in the Government service also; her dismissal meant discharging a full-time maid, who was thrown on relief, and ceasing her aid to a brother she had been helping, who got F. E. R. A. work later.

LENGTH OF SERVICE FOR THE GOVERNMENT

After years of work at one special job, one's aptitude in other lines of work necessarily is limited, and the problem of finding new employment is so difficult as to be almost hopeless in the eyes of the person dismissed. The questionnaire replies show that one result of the law has been the discharge of persons having served the Government for long periods. About 68 percent of those reporting length of time in the service had worked for 10 years or over, a period that it would seem should insure security in a civil-service job; moreover, there were 42 cases in this group that had worked 20 years or longer.[4]

A larger proportion of women than of men losing their jobs had worked for the Government 10 but less than 20 years, but more men than women in proportion had been with the Government anywhere from 20 to 38 years. Table 2 shows the complete data on length of service.

SALARY SINCE DISMISSAL

Of the 693 persons who lost their jobs and who reported as to their employment status in June 1935, when the questions were asked, almost 80 percent were not working (469 women and 70 men); 3 of these (1 man and 2 women) were retired. Moreover, 73 percent of those finding employment after dismissal and reporting salaries had taken jobs at lower pay than received in Government service.

After their dismissal, jobs were found by only 154. Eliminating some 20 whose later earnings do not permit comparison with job earnings under the Government (for example, salesmen on commission), almost three-fourths of these 134 persons now with jobs are working at a lower salary, and at least half of this group suffered a decrease of anywhere from 15 to 78 percent. In 13 cases the job found after dismissal paid the same salary as the Government position, and for 23 individuals the new job meant increased earnings.

At least one wife was reported as keeping her job because it was permanent and her husband was only a temporary employee. In some cases the reason given for the wife's not resigning her job was that she had worked longer than her husband and was nearer the retirement age, and it would be unfortunate to lose the full retirement pension. In other cases, however, the decision was made on the opposite basis, because though the salary of the spouse left in the service was lower than that of the person dismissed (and who was nearer retirement), they were assured a larger income over a longer period than if the person near retirement had kept the job. In the latter case, after a few years there would be only the retirement pay to support them. For example:

A husband at $2,100 with 26 years' service resigned to allow his wife, receiving $2,100 but whose service was only 17 years, to keep her job; there were 2 boys to be educated and more years at a better income could be expected if the wife stayed with her job.

CHANGE IN MARITAL STATUS

Answers to the question as to the change in marital status due to section 213 show the serious effect such legislation had on these lives and therefore on society as a whole. There were 16 couples who reported separation in order to regain their jobs, and 7 couples got divorces for the same purpose. In two cases in the group first named there was one child, and in three cases there were two children. Of the divorced group, four couples had one child each. Some of the replies show definitely that marriage would not have been contemplated if such a law could have been foreseen. To many employees this law seemed unduly ironical, since one large Government department in 1921 had issued formal notices that allowed women employees to marry and keep their jobs.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Chairman, it seems to me that we are considerably misunderstood in the consideration of this particular bill. The gentleman who just spoke called our attention to the fact that at the present time and under the present law, we have a discrimination that should be removed. Under our present system all the so-called economic royalists hold their jobs. Those persons employed by the Government and getting from $5,000 to $10,000 a year hold their jobs, and nothing at all is done with reference to that group. The unfairness is that under this system we are pinching the little fellow. Under our present system, regardless of a person's efficiency, we release him or her, as the case may be, if married; and this measure applies to men as well as women.

The law under consideration does not affect the alphabetical agencies under this Government that are too numerous to mention. If we would bring in all of these agencies and treat all Government employees alike, it would present a different story. But it does not seem fair to pick out a small group of persons who are getting the lowest salaries

[4] It is also important here to note that the service period of 5 years is recognized by civil service as qualifying a former employee for reinstatement at any future time without examination.

and put them out of their jobs and at the same time allow high-salaried groups to hold their jobs. If we vote against the bill, that is the turn it will take, as I understand it.

We are supposed to have a merit civil-service system. The practice under the present law is to remove a number of low-salaried persons regardless of efficiency, who are employed in clerical positions in certain departments, and have been for years. We do not touch the many, many persons who are appointed under the many alphabetical agencies of the Government, and those employed at high salaries under Government civil service. I am informed that instances are very rare where employees who are members of the same family, receiving high salaries from the Government, are removed.

I am in favor of a real civil service merit system in all departments of the Government. If we are to have a system where not more than one member of the family is to be allowed on the Government pay roll, let us serve notice now, if this is to be our policy, so that the public and future employees may know what to expect in that regard. As I said, let it apply in all departments of Government—executive, legislative, and judicial. Treat them all alike. Let us get away as far as we can from "political pulls" for appointive jobs and give these positions to those persons who merit them by reason of being trained and qualified and entitled to them.

Someone said that the Congressman from St. Louis stated that by voting against this bill before the House today he could be returned to Congress. I would suggest that we should vote for or against this bill on its merits. If it is right, we ought to vote for it. If it is wrong, we ought to vote against it, whether we are permitted to return to Congress or not. That is one of the criticisms that has been leveled against this body. We have a tendency to vote for or against a bill because it is popular to do so. It seems to me that we ought to give this legislation the fair consideration to which it is entitled and vote our better judgments. As I said before, our great trouble is that we do not touch the high-salaried groups, drawing thousands of dollars from the Government, but discriminate against a small group employed under civil service who receive small salaries. [Applause.]

Mr. RAMSPECK. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. BIGELOW].

Mr. BIGELOW. Mr. Chairman, I feel it is an honor if only for 2 minutes to stand up in this House and enroll myself with the women of the world in their centuries-old struggle for equality of rights for women. [Applause.]

Section 213 seems to me to be an unwarranted interference with marriage relations and is a discrimination against women. Here are two sweethearts. Section 213 under certain conditions virtually says to them, "Though it is the natural and wholesome thing for you to get married, you shall not be married."

I feel we ought to forget the matter of sex and marriage relations. That is why I so much favor the bill that the chairman of the Civil Service Committee has brought in here for consideration. It attempts to fix a certain maximum income for the family, disregarding private status, and it seems to me that is the better way of trying to spread employment than the other way. [Applause.]

[Here the gavel fell.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. MAAS].

Mr. MAAS. Mr. Chairman, I think that we ought to repeal this section, principally because under 213 there is a discrimination against the low-paid employees. If the provision extended to all departments of the Government and was applied to all the salary brackets, there might be some argument to be made in favor of it. I can see perfectly well that there is a question involved as to whether two Government employees should get married. But there are many people who have no jobs at all, and they cannot get married because neither one of them can get a job. There are many husbands and wives who do not work for the Government nor for anybody else, and I am sure they would be satisfied to have even one working for the Government. But that is not the issue involved today. The issue before us is whether we are going to penalize a small group of underpaid, or at least low-paid, Government employees and permit those in the high brackets to have the whole family on the pay roll. We have such examples from the top of the Government down, including the legislative branch, and I think if we are going to be fair, honest, and consistent we ought to either make this apply to every office in the Government or repeal it. We certainly should not make it apply only to one small group.

Since we know we are not going to make it apply to the higher brackets, and we are not going to make it apply to all other branches, let us be fair and just to those in the lower brackets in the classified service.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. MAAS. I yield.

Mr. COOLEY. To what Government employees does section 213 now apply?

Mr. MAAS. All those the section has affected have been low-paid employees in the civil service.

Mr. COOLEY. Does the law apply to others than the low-paid employees?

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MAAS. Yes.

Mrs. ROGERS of Massachusetts. As a practical matter it does not. When the bill was passed it was the understanding of the Members of Congress that it would apply to those in the higher brackets, but it does not apply to the "economic royalists", those getting the high salaries in the Government service. It does apply to and does hurt the people in the lower brackets.

Mr. COOLEY. Why does it not apply as Congress intended it should apply?

Mrs. ROGERS of Massachusetts. Because it is a matter of administration, and there is also a joker in the wording of the amendment.

Mr. COOLEY. Could not the law be amended to make it applicable to all classes? Would not that be sufficient?

Mrs. ROGERS of Massachusetts. It was to apply only to dismissals. The heads of the departments can put the workers in the higher brackets and dismiss those in the lower brackets.

[Here the gavel fell.]

Mrs. ROGERS of Masssachusetts. Mr. Chairman, I yield 2 additional minutes to the gentleman from Minnesota [Mr. MAAS].

Mr. MAAS. While it is true the present law was, perhaps, intended to apply to all brackets, in practical operation it does not so apply, which is the reason I am appealing for the repeal of the section. The law applied only in the case of dismissals, and as we know, in the economy drives the dismissals were always at the bottom. No high-paid executives were dismissed under the Economy Act, and when we get another economy drive, as we will have to, the dismissals again are going to be at the bottom. Those with the higher-paid jobs are not going to be affected at all.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. MAAS. Yes.

Mr. BOILEAU. Has the gentleman observed the language of section 2 of the committee amendment, which makes additional discriminations? It provides that the members of a family cannot receive more than $4,000 altogether. Therefore section 2 of the committee amendment to the bill provides for a further discrimination. I hope the gentleman will assist us in first repealing section 213 and then in keeping any riders from being added to the bill.

Mr. MAAS. I do not agree with the gentleman from Wisconsin. I think $4,000 is adequate. In fact, I think a maximum of $3,000 is adequate.

Mr. BOILEAU. Does the gentleman believe a young man or a young woman living with his father and mother should be deprived of the opportunity to work for the Government if the father happens to be drawing a salary of $4,000 a year?

Mr. MAAS. If he is drawing it from the Government, yes; $3,000 is way above the average citizen's income.

Mr. BOILEAU. Does the gentleman mean that a son who is 25 years of age, may we say, should be forced to live some place else or that a daughter should be forced to live some place else?

Mr. MAAS. Yes. If they want to draw their money from the Government, I do.

After all, if we pay both a husband and a wife on the Government pay roll, we must also support some other family on relief, which family otherwise could be supported by either the husband or wife if employed by the Government. While I recognize the situation, on the other hand, this is temporary. Permanent legislation should not set up any other test or qualification for Government employment than merit. I shall support repeal as a matter of principle to uphold the merit system as a permanent institution, even though I deprecate members of the same family seeking Government employment during a time of widespread unemployment.

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. PEARSON].

Mr. PEARSON. Mr. Chairman, from listening to this discussion I have reached the conclusion there is a misunderstanding in regard to what the repeal of section 213 really means. When I heard the gentleman from Missouri discuss the matter of the employment of a husband and wife, and the injustice in the situation which might arise in the event this section is repealed, I felt that even he misunderstands the situation. We do not have upon the Federal statute books today a law which prohibits the employment of husband and wife in the Government service. We have only section 213, which provides that in dismissals people having husbands or wives in the Government service shall have their services terminated first. The result is we have a statute which is being improperly administered by the officials of the Government agencies, bringing about the great hardships which have been described by previous speakers.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. PEARSON. Not now, Mr. Chairman.

The proper way to correct the things to which the gentleman from Missouri is objecting is to put upon the statute books a law which will prohibit the employment of married people or else put in our civil-service statute a provision that when a man or woman is ready to enter the service of this Government, if he or she is married, then he cannot qualify under civil-service regulations. Otherwise, we have men and women who have spent from 10 to 30 years in the service and who, by virtue of the provisions of section 213, have suddenly awakened to find their necks chopped off and their jobs gone. This section has been utterly a failure so far as its administration is concerned, Mr. Chairman. The only way to correct the injustice of the situation is to repeal section 213.

[Here the gavel fell.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield myself 3 minutes.

I think there has been very great misunderstanding about this bill. In fact, I am sure of it from the debate on the floor and the questions asked.

I believe in the merit system. I know this retards the merit system, but I am not going to stress that question at this point, Mr. Chairman, because the tears and distress over the merit system by this administration have been amusing. This should not be a party matter. An appeal to the majority regarding merit would probably fall on deaf ears. It should not be made a partisan matter. Section 213 was passed with a Republican President in office and a Democratic Congress. I know that when the bill was passed the Members did not realize that the people in the higher brackets would not be affected and would be allowed to keep their positions. There was apparently a joker in the bill. Section 213 applies only to dismissals. Of course, a chief of section can say, "I need the man or the woman with the higher salary and do not need the man or the woman in the lower bracket." Men and women have been dismissed who have served the Government for 15 years. I have tried to make a careful check-up, and I find in most instances that the men and women who have been dismissed are those who are older, men and women with families, men and women who find great difficulty in finding outside employment because their training has been only in Government work.

Mr. NICHOLS. Mr. Chairman, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. Yes.

Mr. NICHOLS. In the event of the dismissal of a husband or a wife from the Federal pay roll, the other spouse is left on the pay roll?

Mrs. ROGERS of Massachusetts. It leaves the other spouse on the pay roll, but usually the spouse dismissed is a person who has been in the service a long time and has acquired not a small family but a large family with a good many dependents. Mr. Chairman, the farce about the whole amendment is that there has been no economy in its administration, because the position is filled by a married woman from the outside who has had no experience in the civil service and is not a good worker for the Government in the civil service. In almost every instance I have investigated I have found the woman's husband has a job on the outside.

Mr. NICHOLS. If her husband had a job outside of the Government, the wife, in that event, would not be fired.

Mrs. ROGERS of Massachusetts. Yes; and that is a discrimination against civil-service workers. When replacements are made or when a man or woman is dropped, the position is usually filled by a married person who has a wife or husband with a good position on the outside. I think if the gentleman would go into the various cases he will find I am correct in this respect.

[Here the gavel fell.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield myself one-half minute additional.

I earnestly hope that section 213 will be repealed. It seems only a matter of common justice, and if you had seen the cases I have observed after investigation, I am sure you would want to equalize things and be fair to the little fellow in the civil service as well as to the so-called economic royalists in the civil service. This administration has talked so often and so loud about the people of small pay—this is a chance to help the little fellow. I hope the measure will pass, Mr. Chairman.

Mr. RAMSPECK. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. MURDOCK].

Mr. MURDOCK of Arizona. Mr. Chairman, I am heartily in accord with the words just spoken by the gentlewoman from Massachusetts [Mrs. ROGERS]. She speaks of equality between the bigger-salaried man and the smaller-salaried man. She might, with due propriety, I think, have paid respect to her sex and also mentioned that this is a matter of equality of sex as well. It is really a matter of equal rights, as my colleague from Ohio just pointed out.

As a school man, I have noticed that married women have been discriminated against in public employment as school teachers. This, I think, is poor public policy. Of course, I can see a difference between married women teaching and married women in Government service, but, Mr. Chairman, it seems to me that the question of "equal rights" is involved in both cases. In considering this whole matter it is not so much a question of furnishing jobs as getting the most efficient people on the jobs. Schools do not exist for the purpose of providing teaching work, nor does Government work exist merely to provide jobs. Efficiency is what counts and efficient married women should have equal chance in employment.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 1 minute to the gentleman from Arizona in order that he may answer a question.

Is it not true that these workers in the Government who have been there for 15 years or longer are not suited for employment on the outside, and upon entering Government service they thought it would be a life work or a life service?

Mr. MURDOCK of Arizona. Very likely that is true in most cases, and they ought not be penalized for marrying nor prevented from marrying through fear of dismissal. At a time when we are trying to create opportunities for careers in the public service, I see no reason why married women should be discriminated against. If they have the ability and competency, they should have an equal chance of a career in the public service.

Mrs. ROGERS of Massachusetts. The men also have been discriminated against oftentimes in these cases, because married men have also been displaced in many instances.

Mr. MURDOCK of Arizona. So, Mr. Chairman, I hope that the measure prevails and that the former law is hereby repealed.

Mr. RAMSPECK. Mr. Chairman, I yield 1 minute to the gentlewoman from New Jersey [Mrs. NORTON].

Mrs. NORTON. Mr. Chairman, I regret I shall only have 1 minute. I would like to have a little more time.

I sincerely hope that the Congress today will repeal section 213. This was emergency legislation enacted into law at a time when jobs were scarce; but that emergency, as you know, has passed; and as all other emergency legislation has been repealed, certainly this should be. There are many reasons why it should be repealed. Up to 1935, 1,835 people had been laid off under this act, and up to now, although no statistics are available, the number is estimated at about 2,500. These are almost entirely people who were receiving salaries in the lower brackets. These are the ones who need two salaries to support their families and bring up their children.

Continued enactment of this law would tend to lower the birth rate in this country and increase the number of divorces.

If we say that one salary is enough for a family should we not know what that salary is? If it is only $1,000, surely that is not enough to support a family of five or six or even three. If the wife can work, why not allow her to do so?

Congress has never passed a law forbidding a farmer's wife from helping him in the fields nor a wife from helping her husband in business. We have many outstanding examples of this, even here in Congress.

Of necessity it is the lower-bracket salaries that suffer most in this section, as when a reduction in personnel is contemplated it is always the low-salaried people who are affected.

I insist that continued enactment of this law would tend to lower the birth rate in this country and raise the number of divorces. In families where two salaries do not combine to make a good wage or enough to support a family, divorce has often not only been contemplated but finally resorted to when the wife has had to give up her job and so leave the family without enough to exist on.

Section 213 is completely unfair, as it almost never affects higher-bracket salaries. Unfortunately, the people in those brackets usually have enough "pull" to keep their jobs, and it is not at all unusual to find cases even now where both husband and wife are working and where their combined salaries average more than $10,000.

[Here the gavel fell.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield myself one-half minute and yield one-half minute to the gentleman from Georgia.

Mr. Chairman, there is one point that has not been brought out, and that is that this provision has been very expensive to operate.

I have talked with the Civil Service, and I had some figures upon this subject that I would like to put in the RECORD. It has cost a good deal to investigate these cases and has taken the time of the civil-service people away from other work that we all want to have done. Also, it has taken up a great deal of the time of the chiefs of sections in the various departments, which has proved costly.

Mr. RAMSPECK. Mr. Chairman, under the present law, section 213, if there is a reduction in force in any department that is under civil service—and that is all the law applies to—within a grade, for example, if it is grade CAF 4, they investigate the people in that grade, and they first discharge the married people. That means, of course, that unless there is a reduction in the upper grades, where the salaries are higher, there may be a reduction of force in a certain bureau or department, but it will not touch the married people who are making the higher salaries. Naturally in the Government service there are far more people at the lower-grade salaries than at the upper-grade salaries, and the fact is that of the 1,800 people who were dismissed under this provision, practically none of them made more than $2,000 a year, and a vast majority of them made less than $1,500 a year. That is the practical situation as the law stands today. Under the amendment which the committee is bringing here, if it prevails, we would stop the employment in the civil service of a second member of a family if the combined salary of all of the members of the family equaled or exceeded $4,000 a year.

In the short time I have left, I want to tell you exactly why I am in favor of this bill. I am not as much concerned as some of my friends about the married woman's part of it. It has not worried me so much, but I am concerned that the Congress of the United States should be on record as approving a public policy which says to a boy from your district or a girl from my district who comes here to work for the Government, "You cannot get married without losing your job."

I had that happen to a young lady from my district who was getting $1,260 a year and who was sending part of it back home to her father, who went on relief after she lost her job. She married a boy from South Dakota. Within about 7 months she had to quit her job, although they had married secretly. She was going to have a baby. She had to quit her job, and her family back in Georgia went on relief, and her husband and she are struggling today to live on $1,260 a year, which is what he makes in the A. A. A. I think that is poor public policy on the part of the Federal Congress, and I do not believe the Congress wants to be on record as in favor of a law which says to the young people who come to Washington to work for the Government that if they get married they are going to lose their jobs. It has not affected a great number of people, it is true, but it has discriminated against the woman, not in the law but in the application of the law.

Mrs. NORTON. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mrs. NORTON. Is it not a fact that a great many men and women in the higher brackets who are earning over $4,000 a year are not affected?

Mr. RAMSPECK. That is absolutely true, and they are still holding their jobs and working every day and making more than $4,000 a year.

Mr. COLE of Maryland. Mr. Chairman, will the gentleman yield ?

Mr. RAMSPECK. Yes.

Mr. COLE of Maryland. I gather from what the gentleman, the chairman of the committee bringing in this bill, says that the inevitable effect of the existing law, mandatory as it is in its provisions, is to place a premium upon secret marriage.

Mr. RAMSPECK. That is true. I hope this House will repeal this section and accept the substitute, the provisions of which take effect at the time of appointment and do not interfere with the right of people who come here to work for the Government to marry or not to marry after they are employed by the Government. I think we ought to be courageous enough if what the gentleman from Missouri [Mr. COCHRAN] says is true—and I do not think it is true—and pay no attention to criticism that will be made of us.

I do not think anybody is going to criticize us for having adopted this substitute, because I think it is a fairer provision than the other, and I think any one of us can go on the campaign hustings, if we have to, and explain this situation to the people back home. It is not a question of whether you are going to let married women work for the Government—and there are over 30,000 of them working now and we have not discharged them, but we ought not to keep these young people from getting married if they want to.

The CHAIRMAN. The time of the gentleman from Georgia has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That an act entitled "An act to regulate and improve the civil service of the United States" (act of Jan. 16, 1883, 22 Stat. 403), is hereby amended by adding at the end of the sixth paragraph of section 2 of the act a new paragraph, as follows:

"And no person shall be discriminated against in any case because of his or her marital status in examination, appointment, reappointment, reinstatement, reemployment, promotion, transfer, retransfer, demotion, removal, or retirement. All acts or parts of acts inconsistent herewith are hereby repealed."

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That section 213 of the act of June 30, 1932 (47 Stat. 406), is hereby repealed.

"SEC. 2. Section 9 of the Civil Service Act of January 16, 1883 (22 Stat. 403), is amended by the insertion of a colon and the following proviso after the word 'grades', which concludes the present section: '*Provided*, That no original appointment to one of said grades may hereafter be approved in any case where the combined salaries of the members of a family after such appointment would equal or exceed $4,000.'"

Mr. NICHOLS. Mr. Chairman, I move to strike out the last word. I think that in important matters like this it is unfortunate that those in opposition to the bill under consideration are compelled to resort to pro-forma amendments under the 5-minute rule in order to express their opinion.

Mr. RAMSPECK. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. Yes.

Mr. RAMSPECK. I yielded one-third of the time I had to the gentleman from Missouri [Mr. COCHRAN], who spoke in opposition to the bill.

Mr. NICHOLS. I asked the gentleman for some time myself, and the gentleman did not have it, and I am not complaining about the gentleman. A great deal has been said here today about discrimination against married women and discrimination against married men. Although I am not going to support this bill, I am not one of those who want to discriminate against either married women or married men.

Neither do I want to discriminate against single men and single women. Neither do I want to discriminate against a man who is willing to work and earn a living for his family, as the head of his family, by keeping some man's wife in the position he might fill when her husband is also on the Government pay roll, and thus give one family two jobs while the other family has none. Men as heads of families all over the country are crying for jobs to provide the bare necessities of life for their loved ones. My country is full of them. There are literally thousands of heads of families in the southwestern section of the United States who would be happy to have a job of any kind to work and make a living for his family. [Applause.] You pass this bill and you say to him, go on and starve, the Government does not care because we will let two or three members of some families work for us while you go without work. This simply throws a cloak of protection around civil-service employees. Then it goes a bit further and throws a cloak of protection around married civil-service employees, whose spouse is on the pay roll. Despite the opinion of my distinguished friend from Georgia to the contrary, I think it is sound public policy that no two spouses, no man and wife, be employed by the Federal Government until all the heads of families who are capable and competent of holding one of their jobs is also employed. [Applause.]

I shall support, as soon as it is offered on the floor, an amendment that is to be offered by the gentleman from Missouri [Mr. COCHRAN], an amendment which will, in my judgment, go into the higher brackets and lower brackets alike—and brackets should not make any difference. A man in the lower bracket has no more right to consume two positions than a man in the higher brackets. So I am going to support the amendment which will provide that as long as a man or his wife is employed under civil service, the other shall not be eligible for appointment to a Federal position. I hope that amendment passes and I think it should pass. Section 213 does not have to stand on the proposition that it is an economy measure. You can forget it as far as economy is concerned. You can be for section 213 and also be for the amendment to be offered by the gentleman from Missouri [Mr. COCHRAN] upon the proposition that you want everybody in the United States to be given an equal opportunity to be employed by the Federal Government and not be barred by permitting the Federal Government to pay exorbitant salaries to one particular family.

Mr. COCHRAN. Mr. Chairman, I offer a substitute.

Mr. BOILEAU. Mr. Chairman, I have an amendment to the amendment.

The CHAIRMAN. The gentleman from Missouri offers a substitute, which the Clerk will report.

Mr. BOILEAU. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BOILEAU. In view of the fact that the amendment I wish to offer is a perfecting amendment to the committee amendment, should that not be offered before the substitute is offered?

The CHAIRMAN. The Chair has already recognized the gentleman from Missouri. The Chair will state, however, that the perfecting amendment will be acted upon before the substitute is acted upon.

The Clerk will report the amendment offered by the gentleman from Missouri [Mr. COCHRAN].

The Clerk read as follows:

Amendment offered by Mr. COCHRAN as a substitute for the committee amendment: That section 213 of the act of June 30, 1932 (47 Stat. 406), is hereby amended to read as follows:

"In any reduction of personnel in any branch or service of the United States Government or the District of Columbia, married persons (living with husband or wife) employed in the class to be reduced shall be dismissed before any other persons employed in such class are dismissed, if such husband or wife is also in the service of the United States or the District of Columbia. In the appointment of persons to the classified civil service, no person shall be eligible for appointment if such person's husband or wife is employed by the United States Government or the District of Columbia."

Mr. COCHRAN. Mr. Chairman, the purpose of my amendment is to provide that not only the classified service will be affected by the so-called married women's clause but that all Government agencies and the government of the District of Columbia shall likewise be affected. It simply spreads out the wings and takes in all, not only in Washington but in the field service.

Now, let us see just exactly what we are doing today. I will make the situation perfectly plain. The thought back of this entire proposition is that when there is a reduction in force we should keep the earning power in two families rather than double earning power in one family and no earning power in the other. [Applause.] That is all there is to it. You do not have to go any further. The question of discrimination is dismissed entirely, because it has been repeatedly shown here that either husband or wife can leave the service. What we want to do, and what we should do, when there is a reduction in force is keep the earning power in the family of the man who has a wife and children at home, not furlough him and retain two salaries in the home where the wife and husband are both working for the Government.

Mr. HOOK. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. HOOK. Does this apply to Members of Congress who have members of their families working in their offices?

Mr. COCHRAN. It does not unless there is a reduction in force; but, as far as I am concerned, you can put all the amendments on there that you desire along that line and I will willingly support them. If they are germane to the bill you can put them on.

I repeat, I would willingly support such an amendment if offered.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. MASON. Would this broadened amendment offered by the gentleman apply to the Chief Executive of the Nation?

Mr. COCHRAN. The amendment speaks for itself. We all know that the President's wife is not working for the United States Government.

Mr. MASON. How about other members of the family?

Mr. COCHRAN. I do not yield further. The question should never have been asked.

Mr. MASON. Perhaps not.

Mr. RAMSPECK. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. RAMSPECK. I ask the gentleman why, under the language of the substitute, it would not apply to the legislative branch?

Mr. COCHRAN. I hope it does.

Mr. RAMSPECK. Well, does it?

Mr. COCHRAN. I hope so.

Mr. RAMSPECK. I think it does not.

Mr. COCHRAN. I hope it will be so construed that it will; and the only reason, I presume, why my friend brings that up is because it may get him a few votes for his own bill if the Members thought it did; but I know as well as the gentleman knows that it should apply to the legislative branch also. Now, I hope the gentleman will let me proceed, although I appreciate his great kindness in giving to me 10 minutes of the time which was under his control. He has been perfectly fair.

I think I have made it perfectly plain the purpose of the original proposal and what is proposed by my amendment. It simply spreads the law to take in W. P. A., P. W. A., and other emergency agencies, as well as the District of Columbia, not only in Washington but all over the United States wherever the Government has an office. [Applause].

Mr. RAMSPECK. Mr. Chairman, I shall take just a moment to state exactly what the proposed substitute offered by the gentleman from Missouri does. It simply reenacts the present section 213 of the Economy Act, taking out the limitation of that section to the civil service and making it applicable to all branches of the Government service. In my opinion it would make it apply to employees in the judicial and legislative branches of the Government just as well as to the employees in the executive departments. I may say, however, that there is nothing new about the substitute. The President sometime ago issued an Executive order extending section 213 to apply to the emergency agencies. So we would not accomplish anything by passing the substitute except to perpetuate a system which does take out of the service the lower paid employees who are married and leaves in the service the higher paid—and we have more higher paid employees in proportion to the total number in the emergency agencies than we have in the civil-service agencies. So it is making a bad matter worse to adopt the substitute.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. COCHRAN. The gentleman says that the President has issued an Executive order extending section 213 to the emergency agencies?

Mr. RAMSPECK. That is my understanding.

Mr. COCHRAN. I have letters received in the last 60 days from some of the emergency agencies saying that it does not apply. I am very glad to hear the gentleman say that it does, because it shows beyond question that the statement that was made to the effect that the President wants section 213 repealed is not correct. [Applause.]

Mr. RAMSPECK. I may say to the gentleman from Missouri that when we had this matter up last year Mr. Steve Early telephoned me and said that the President was for the bill as reported by the committee. I have had no word from him this year. I do not know whether he is for it or against it; but for one I do not ask the White House how I shall vote.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. COCHRAN. I am in the same position as the gentleman; but I hope that whenever he wants any opinion as to how the President stands he as well as every other chairman of a committee will not get it from a secretary but will get it from the President direct.

Mr. RAMSPECK. I presume that if he wanted to be mixed up in this fight he would say so. I am not going to ask him to get into it. But I do say that the Democratic Party organization is on record in favor of repeal; so is the Republican organization on record in favor of repeal. Miss Dewson, in a speech at the Philadelphia convention, stated that the party was pledged to the repeal of this section. The women's organizations are in favor of the repeal of it, and all of the Federal employees' organizations are on record in favor of repeal. I think that we ought to get rid of this discrimination and not perpetuate it and extend it. I think, too, that it should apply to the higher paid groups as well, and not alone to the little fellows.

Mr. FORD of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. FORD of Mississippi. Why not repeal section 213 outright?

Mr. RAMSPECK. I am in favor of that, but we had to bring out the bill that the committee wanted, and I shall fight for the bill reported out by the committee.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. COCHRAN. If the gentleman will ask the chairman of the committee on resolutions at the Philadelphia convention, he will find that the committee on resolutions voted down the plea to put that plank in the platform to repeal section 213. I know that because I opposed it at the Philadelphia convention.

Mrs. O'DAY. Mr. Chairman, if the gentleman will yield, I was a member of the committee; that is, I was a delegate on the committee. What the gentleman from Missouri states is quite true. But in taking that action the committee on resolutions went against the wishes of every Democratic woman and most of the Democratic men. I know that personally.

Mr. COCHRAN. I know the action the committee took, because I opposed repeal submitting a statement to the committee.

Mr. RAMSPECK. I hope the Committee will vote down this substitute.

Mr. MILLARD. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. MILLARD. The Republicans did put a plank in their platform favoring complete repeal.

[Here the gavel fell.]

Mr. BOILEAU. Mr. Chairman, I offer an amendment.

Mr. FADDIS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Wisconsin yield?

Mr. BOILEAU. If it is not taken out of my time.

Mr. FADDIS. Mr. Chairman, I was on my feet propounding a parliamentary inquiry.

The CHAIRMAN. The Chair recognized the gentleman from Wisconsin [Mr. BOILEAU]. If the gentleman yields, the Chair will recognize the gentleman for a parliamentary inquiry.

Mr. BOILEAU. If it is not taken out my time.

Mr. FADDIS. Mr. Chairman, is it in order to offer an amendment to the amendment or to offer a substitute

amendment before all Members wishing to speak for or against the original amendment have been recognized?

The CHAIRMAN. It is in order to offer any amendment and have it pending if it is not in the third degree.

Mr. NICHOLS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NICHOLS. Since the gentleman from Wisconsin has been recognized and his amendment, of course, will be reported by the Clerk, will debate be limited to his amendment? There are many Members who want to debate the amendment offered by the gentleman from Missouri.

The CHAIRMAN. Debate will be open on all amendments until the debate is exhausted on those amendments. When they are voted on and disposed of, then further amendments may be offered. The gentleman from Wisconsin is recognized.

The Clerk read as follows:

Amendment offered by Mr. BOILEAU to the committee amendment: Page 2, line 5, strike out all of section 2 of the committee amendment.

Mr. BOILEAU. Mr. Chairman, this amendment would strike out all of section 2, leaving the language in the committee amendment which repeals all of section 213. In other words, if the amendment I have offered is agreed to, it will leave the committee amendment merely repealing section 213. This is a clear-cut issue on the repeal of section 213, which discriminates against married women.

I want to ask the membership of the House, before voting upon this amendment, to read the full committee amendment. It is very brief. I want to ask the membership to also read the very brief report of the committee. I am sure if you will do that you will realize the action of the Committee on Civil Service, while it attempted to remove some discrimination against married women, by the very amendment offered to the bill, it has discriminated against other people in this country and I do not believe there is any justification for discrimination against young men and women just because their fathers perchance happen to have a job with the Government of the United States.

If the committee amendment is adopted, it will mean that a young man or woman who lives with his or her parents will be obliged to leave home if she or he wants to accept a job with the Federal Government. Youngsters born and raised in Washington will have to leave home if their father happens to have a job and receives a salary of $4,000 a year. That boy or that girl can get a job in the Federal Government provided they leave their father's household. Unmarried young ladies, 20, 21, or 25 years of age, living here with their parents and accepting a Government job may do so provided they leave their parents' home and live around the corner in some apartment house. Is that not a ridiculous and nonsensical thing? There is not a Member of the House who wishes to bring that about but that is what will happen.

These young people are vigorous, they are educated, they want to work, and no other jobs are available to them in the District of Columbia, their home town. They want to work here. What will they do? They will leave their father's and mother's home. Of course, they would rather live there, but they will get an apartment across the street. You will not deprive them of working for the Government, but you will break up a home. Is not that crazy? We realize we made a mistake in 1932 when we passed the original bill, but why go ahead and make more mistakes now? Why not get down to brass tacks and correct the mistakes we made by outright repeal of section 213? I do not believe in discriminating against married women. Neither do I believe in discriminating against young men and women who live with their fathers and mothers.

Mr. Chairman, the issue, in my judgment, is clear-cut. We should by all means repeal section 213, and I advocate the adoption of my amendment, which repeals section 213 and strikes out the language that no original appointment to one of said grades may hereafter be approved in any case where the combined salaries of the members of a family after such appointment would equal or exceed $4,000. Not man and wife but members of a family. The result of that would be the breaking up of homes. We would be forcing young ladies to leave their mothers' homes where you and I want them to stay. We would force them to go across the street and get an apartment with some other young ladies. Is that sensible? I do not believe it is, and I do not think the Members of the House want to accomplish that.

[Here the gavel fell.]

Mr. FADDIS. Mr. Chairman, I move to strike out the last two words.

Mr. CELLER. Mr. Chairman, what is the order of priority on the bill? Does the author of the bill precede a member who is not a member of the committee?

The CHAIRMAN. If the Chair understands the rule correctly, the members of the committee which report the bill have preference. After that all members of the Committee of the Whole are on equal standing.

Mr. FADDIS. Mr. Chairman, a great deal has been said here this afternoon about section 213 discriminating against married women. It does not discriminate against married women any more than it does against married men. The conditions which it is designed to rectify, however, are conditions which discriminate against unemployed families throughout the entire United States. I have had married women come into my office and demand that I secure for them a job, and state that they desired the job in order to assist them in filling in their leisure time. When I asked them if they thought it was just for a married woman, whose husband was also gainfully employed, to be working, and at the same time for the father of a family to be out of work and unable to put bread in the mouths of his children or shoes on their feet to send them to school, their reply was that such matters were not any concern of theirs. Such an attitude is pure outright selfishness, whether assumed by man or woman.

I am sure this committee does not intend to discriminate against married women. The statement that section 213 is discrimination against married women is a smoke screen. I am sure our intention here this afternoon is to lay down an economic policy for this Nation to follow that will be just to the great majority of the people of the Nation.

Certainly it is poor national economy at such a time as this to have a duplication of salaries within families, and, on the other hand, have thousands upon thousands of fathers of families out of work, with their wives and children looking to them to furnish the necessities of life, and with them unable to do so because a member of some family is working in a Federal position while other members of that family are also gainfully employed and amply able to support the family. It is ridiculous for us to allow the practice of nepotism and at the same time call upon the overburdened taxpayers to provide money for relief of unemployment.

Mr. HOOK. Mr. Chairman, will the gentleman yield?

Mr. FADDIS. I am sorry; I cannot yield.

Certainly it is poor national economy to have such an act in effect at this time. I do not believe the members of this committee are willing to go on record in that respect.

Statements have been made on the floor this afternoon that all the other provisions of the Economy Act have been repealed. This is not so. There are many provisions of the Economy Act of March 1933 which have not yet been repealed. Many of them which particularly apply to veterans throughout the United States have not been repealed. Here in Washington, because of favoritism, relationship, and internal departmental politics, duplication of jobs within families it particularly conspicuous. It is only one more means to center the bulk of Federal employment in the District of Columbia at the expense of the unemployed from the taxpaying sections of this Nation.

I want you to remember that in voting for the Cochran amendment you are voting for an amendment which extends into all the agencies connected with the Government—permanent and emergency. It extends to the higher brackets

as well as those to the lower brackets. Of course we wish to reach persons in the higher brackets because duplication of salaries in families there is more objectionable than it is in the lower brackets. No doubt it will work some hardship, but it will correct hardship tenfold. The duplication of jobs within families is conducive to low wages, and as long as it continues will be partly responsible for a less-than-living wage to heads of families.

I for one have not the conscience to go back and face my constituents and say to the unemployed fathers of families that I voted to allow two salaries to go under the same roof when there are thousands of families existing upon a mere pittance. [Applause.]

Mr. CELLER. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, I have the highest regard for the gentleman from Missouri [Mr. COCHRAN], but I believe the amendment he has offered would make confusion worse confounded. The gentleman was asked by one of the speakers whether or not his amendment would apply to all branches of the service, to the executive branch and the legislative branch, and I believe the gentleman was sincere when he answered that he did not know. But that is quite serious. Pause a moment. The gentleman admits he does not know the effect of what he proposes. That lack of knowledge does not bode much good.

We ought to know what we are legislating about. The chairman of the Committee on the Civil Service said that the amendment—and he read it carefully—would apply to all the branches. I think it will apply to all the branches. Let us see who will be affected by it. The President himself will be affected by it, the Vice President will be affected by it, South Trimble will be affected by it, and Dan Roper will be affected by it, as will scores of Members of both Houses. If the gentleman from Missouri wants that, let him candidly admit the bill applies to all the names I have mentioned. He could not get that bill passed in a thousand years, and he knows it.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. CELLER. That is why I say the gentleman is making confusion worse confounded. He is simply hurling dust in your eyes.

I now yield to the gentleman from Missouri, for whom I have a real, affectionate regard, despite my disagreement with him.

Mr. COCHRAN. The gentleman knows this applies only when there is a reduction in force?

Mr. CELLER. This bill would apply——

Mr. COCHRAN. Just a second; I asked the gentleman a question. The gentleman stated he would yield.

Mr. CELLER. I read the amendment carefully. It applies only to a reduction in force, but——

Mr. COCHRAN. When they reduce the number of secretaries, then it will apply.

Mr. CELLER. Section 213 applies in so many words when there is a reduction, but it has not been applied that way. Where there was no reduction in force or no desire to have a reduction in force, there were no displacements. That is the way they have enforced that act. All the heads of bureaus and departments have not followed the words of the distinguished gentleman from Missouri. It is not a matter of reduction at all, because there has been no reduction in the number of employees of the Government, as was originally intended. It is simply an exchange. Therefore, I say when it comes to enforcement it is going to apply to all the names I mentioned.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I am not going to yield any further, Mr. Chairman.

Mr. COCHRAN. Will the gentleman be fair and yield?

Mr. CELLER. I may say to those on this side of the aisle that I am going to read a letter from the Women's Division of the Democratic National Committee, National Press Building, Washington, D. C., dated March 3, 1936, addressed to Mrs. Edwina Austin Avery, chairman, Government Workers Council. The letter reads as follows:

MY DEAR MRS. AVERY: Your wire asking for support from Democratic women to have section 213 of the Economy Act repealed—

The Celler bill—

was presented to a conference of Democratic women representing a great many sections of the country, which had previously been called for March 2.

These women were all unanimous in their opinion that the act should be repealed. The President has been so advised and I am sure that the women will follow through by giving the matter their individual support.

CAROLYN WOLFE,
Director of the Democratic National Committee, Women's Division.

Thus our Democratic women want my bill. Remember, also, the Republican platform offered the country the same.

Mr. BOILEAU. Will the gentleman support my amendment? Will the gentleman yield?

The CHAIRMAN. The gentleman declines to yield.

Mr. CELLER. You are going to flout the will of hundreds of organizations throughout the length and breadth of the land, if you accept the Cochran amendment. Among them are the American Federation of Government Employees, the National Women's Trade Union League, the National League of Women Voters, the National Federation of Business and Professional Women's Clubs, the National Educational Association, the National Association of Women Lawyers, the American Federation of Teachers, the Women's Homeopathic Medical Fraternity, the Women's Bar Association, the American Association of University Women, the Medical Women's National Association, the National Women's Party, the Government Workers Council, the Washington Chapter of American Association of Social Workers, the New Jersey Federation of Women's Clubs, the New York Federation of Women's Clubs, the American Association of Social Workers, the Democratic National Committee, Women's Division the American Anthropological Association, the American Historical Association, the American Economics Association, the American Political Science Association, the American Psychological Association, the American Socialogical Society, the American Statistical Association, and a score of others which have gone on record in favor of this bill.

[Here the gavel fell.]

Mr. MOSER of Pennsylvania. Mr. Chairman, I have listened with intense interest to the debate, and as a member of the House Committee on Civil Service, I would like to transgress on your patience sufficiently to state to you that when I entered the classified service of the United States, it was with a full knowledge of the restrictions of the civil-service law, which did not permit more than one member of a family to have employment under the civil service of the United States. This was the status I occupied when I entered the service and that status continued while I was in the civil service of the Government.

Mr. RAMSPECK. Mr. Chairman, will the gentleman yield?

Mr. MOSER of Pennsylvania. Not at the moment.

I also wish to call your attention to the fact that I served faithfully and continuously in the classified service for a period of 22 years. In that period of time, Mr. Chairman, I call attention to the fact that I have seen just exactly what you have observed, and what the hearts and consciences of my colleagues here dictate to them as being the truth. Merit has been cast out of the window and civil service, as it is practiced today, is subject to the whim of those who are playing personal and not partisan politics within the system of civil service of this Government; in other words, what is commonly known as bureaucracy. You can go to any one of the bureaus and find out how many jobs you can get or how many there are available.

While I sympathize with what the gentlewoman from New Jersey [Mrs. NORTON] has said with respect to this legislation being enacted at a time when jobs were scarce, heaven

witness, are they plentiful now? I want you to bear with me and endeavor to find out how difficult it is to get a job for a $1,260 clerk.

I was approached in my office before I had been here a month by one of the people who is employed here. He had transgressed the provisions of section 213 and had married a woman who worked with him for the Government. He was drawing a salary of $1,440 and came to me making the proposition that I go to the floor of this House and support a bill for the repeal of this measure. I could not vote for that, under the circumstances, without my conscience accusing me of having been influenced by that fellow, whom I never saw before in my life, but who came to me with such a contemptible proposition, with a consideration.

There has been something injected into the discussion this afternoon that I want to direct to your attention. The amendment that the gentleman from Missouri has offered applies to reductions exactly the same as section 213. Do not be fooled into believing that if there is any nepotism among my colleagues that it will affect the employment of your son or your daughter or someone else. The only thing that will ever affect you or me, if we are guilty of nepotism, is when we face the electorate at the polls, and you know that as well as I do.

I may say also that mention was made here of the Democratic platform. I am familiar with the construction of the Democratic platform at Philadelphia, because I was born and reared within 50 miles of that city and I went there every day. I want you to know that I have received correspondence since then stating that there was a pledge made to have the Committee on Resolutions adopt a plank in the platform favoring the repeal of section 213, which was overlooked, and because it was overlooked, although someone had made some kind of pledge, I was solicited to come before the House and stand for the repeal of section 213.

Mr. GRAY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MOSER of Pennsylvania. I yield.

Mr. GRAY of Pennsylvania. I would like to ask the gentleman this question. In discussing the Democratic platform and our feelings about the provisions in the Democratic platform, would it help the Democratic Members of this House if they had a good example with respect to following the provisions of Democratic platforms adopted in recent years?

Mr. MOSER of Pennsylvania. I believe a good example can be set, I may say to my colleague and the members of the committee, any time we stand up here and are ready to be counted as Members of this House in any cause of this kind, because the gentleman knows, as we all know, what we must face in our own districts. We represent constituencies and when we go back and tell our people that we are restricted in what we can do for them because of civil service; when we know that merit has been discarded, and families are on the Government pay rolls, to the prejudice of a constituent seeking a stenographer's or clerkship classification, let us determine to be honest with ourselves and those whose confidence prompted them to send us here to represent them.

Mr. Chairman, I hope the Committee supports the amendment of the gentleman from Missouri [Mr. COCHRAN]. [Applause.]

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto close in 20 minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that all debate upon this section and all amendments thereto close in 20 minutes. Is there objection?

Mr. NICHOLS. Mr. Chairman, I reserve the right to object. I presume that the chairman of the committee in making that request assumes that we gentlemen who have indicated that we want time will be recognized by the Chair.

The CHAIRMAN. That would be the purpose of the Chair in the absence of anything to the contrary. Is there objection?

There was no objection.

Mr. McFARLANE. Mr. Chairman, I propose to offer an amendment to section 213 should the Cochran amendment be defeated, and I hope the membership of the House will give me their attention for a moment so that I may clear away a little brush to explain the legislative situation confronting the House at this time. Under section 213 as it exists today, and as it exists in this bill before us, we have this situation: Section 213 and the Cochran pending amendment applies only to future reduction of personnel.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. McFARLANE. Yes; I yield for a question.

Mr. COCHRAN. If the Boileau amendment is adopted, it means that everybody who has been dismissed under section 213 can get back in, and husbands and wives, where the husbands and wives are working for the Government, can all get in.

Mr. McFARLANE. I understand that, but we do not want to repeal section 213. We want to put some teeth in it. Unfortunately under the parliamentary situation as it has developed during the consideration of this bill it is impossible to offer proper amendments making this measure apply fairly to all Government employees alike. I propose by my amendment, if you vote down the Cochran amendment, and his amendment applies only to future reduction in personnel, to put teeth into the law. I think the temper of this House, and I think it ought to be, is to put some teeth in this law and to make it apply fairly to all Government employees, civil service as well as noncivil service. Where a husband and a wife, both drawing over $3,600, are on the Federal pay roll, it seems nothing but fair and right that we should discharge one of them in order to spread these Government jobs among more of our unemployed people. I think that would be in keeping with sound economic policy in this country to spread employment, and it must be remembered the President had this same idea when last year he issued such an order to all the department heads. Instead of dealing only with the question of any future employees that are dismissed from the pay roll, and let one of those who are on the pay roll, husband and wife, go first before a single person goes. Let us enact a law today that applies to all departments of the Government alike, both the regular and the emergency departments, and let us provide that where the husband and the wife are both employed and they receive in excess of $3,600 a year, one of them goes off the pay roll and that this will be the policy for future employment in the Federal service. I hold in my hand a list of the personnel of the employees of the District of Columbia. This information was compiled by the subcommittee having in charge the District appropriation bill. It was called to the attention of the House recently that down here in the District as many as 78 persons of the same name and kin, related to each other, are on the District pay roll.

Quite a number of these employees, of the same name, all related, run to as high as 25 and 30 and 40 on the pay roll right here in the city of Washington. That is known to the membership of this House; and a similar situation exists as to Government employees throughout the governmental agencies. It is well known that the Government employees when once on the pay roll begin to work in their kinfolks, and something must be done to stop it. How can you sit here with a straight face and condone that kind of a situation when you know that identical situations exist throughout Government service, and when you know and I know that we have thousands upon thousands of people in our districts who are crying for work and cannot get it because of this racket where the husband and the wife are both employed? And you and I know that under the existing set-up the District and the nearby States have their quotas 500

percent and more filled, while we in Texas and other Middle Western States do not have one-third of our quotas of Government employees. I think we owe it to ourselves and to our constituents to correct this situation—not by waiting for future reduction of personnel, not by wiping off the weak law that we now have, but by writing a law that will strike from the pay roll the husband or the wife, whichever the case may be, placing a limitation on combined earning of $3,600 a year, or some such a limitation upon it, and then to make mandatory the selection of future employees from the States whose quotas have not been filled. I expect to offer such an amendment should you vote down the Cochran amendment. I think this House ought to go on record on all these matters.

Mr. SACKS. And would the gentleman include Members of Congress in his amendment?

Mr. McFARLANE. Yes, sir. I provide no exemptions in my amendment. I came to Congress pledging to oppose the further encroachment of nepotism among Members of Congress, and have offered legislation to prohibit same as other Members have done, however, we have never been able to get the committees to act on these bills.

Mr. SABATH. Does not the gentleman think it would be better if he offered his amendment to the Cochran amendment?

Mr. McFARLANE. It cannot be done under the existing situation.

Mr. SABATH. The gentleman's amendment would strengthen the Cochran amendment.

Mr. McFARLANE. I thank the gentleman, however, since the previous question has been agreed to before my amendment was offered I must now wait until the Cochran amendment is disposed of. I expect to vote for the Cochran amendment and should it be adopted offer my amendment later. Vote down the Boileau amendment and then let us put teeth in this law.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BEVERLY M. VINCENT. Mr. Chairman, I think this is the most selfish matter that has come before the House since I have been here. I have always had the highest regard for women and their organizations, and I am ashamed of their activity today as they press this selfish matter before this Congress. I never had a sister, but my mother reared 10 boys and she was particular to see that every boy had a fair share of any delicacy that came to the table, and she was particularly careful to see that the neighbors who were in trouble had from her all assistance that she could give. I got from her the opinion that women were unselfish; that they were fair and just. Then I see them come here today and say to us "We have some jobs here in Washington, our husbands have jobs, and because we both have jobs we want to squeeze the rest of the people of the country out. We want to freeze those jobs so we can hold them." So they organize and come before this Congress with that purpose. It is a wholly selfish purpose. It is like the man with the selfish prayer. I do not believe in a selfish prayer but this man prayed: "O Lord, have mercy upon me and my wife, my son John and his wife; us four and no more." [Laughter.]

They come up here today and take up our time on this sultry summer afternoon with a selfish purpose only. They threaten us. I am willing to face them in my district when I become a candidate for reelection next year, because I will shame them for their unfairness if they attack me.

Mr. Chairman, I yield back the balance of my time.

Mr. NICHOLS. Mr. Chairman, a great deal continues to be said about discrimination against women and about discrimination against people, men and women, who are employed and married. Let me point this out: Any person who is employed in the Federal Government, a civil-service employee or not, has a decided advantage in getting a job for anybody that he wants to get a job for over anybody else who is not employed by the Federal Government. So that if you give a man a job and he wants to get his wife a job, then you are discriminating against everybody else outside of the Government who is not employed.

Now, let us see what the Cochran amendment provides. The distinguished gentleman from Georgia [Mr. RAMSPECK], I believe, has not read it. I am sure the gentlemen who say that it applies to the executive branch have not read it. I wish it did. I am sure those who say it applies to the legislative branch have not read it. I wish it did. But it simply does not. Let me read it. I will read section 213 as it exists:

In any reduction of personnel in any branch or service of the United States Government or the District of Columbia married persons living with husband or wife—

They can be married, and if they are not living together it does not count—

employed in the class to be reduced shall be dismissed before any other persons employed in such class are dismissed, if such husband or wife is also in the service of the United States or the District of Columbia.

Now, that is the law as it exists. The Cochran amendment changes it from there on. I will read the Cochran amendment:

In the appointment of persons to the classified civil service—

Now, get that—

In the appointment of persons to the classified civil service no person shall be eligible for appointment if said person's husband or wife is employed by the United States Government or the District of Columbia.

What does that mean? It means that the only thing that section 213 attempts to control is the classified civil service. If you apply for a position under the classified civil service and your husband or wife is employed in any other department of the Government, then you cannot be employed. Where? By the classified civil service, and that alone. That is as far as the Cochran amendment goes. Is that fair? Certainly. I submit to you that if a man or woman is employed by the Government of the United States, then his or her spouse, if they are red-blooded American citizens, should be willing to take a chance at getting employment in private industry. If one member of a family is lucky enough to be employed by the Federal Government, then if that is not a selfish family they ought to be satisfied. [Applause.]

I sincerely hope the Cochran amendment is adopted. If I had time, I would answer another proposition made by the gentleman from Georgia. Do you know what this bill would do if you adopted it? Let me tell you. It provides:

Section 9 of the Civil Service Act of January 16, 1883, is amended by the insertion of a colon and the following proviso.

Then it is amended by adding the proviso.

Let us read section 9. Have you read it? I will read it to you. It is very short.

SEC. 9. That whenever there are already two or more members of a family in the public service in the grades covered by this act, no other member of such family shall be eligible to appointment to any of said grades.

Then read the proviso. That is all there is to this bill.

[Here the gavel fell.]

Mr. DINGELL. Mr. Chairman, I ask unanimous consent that the gentleman from Oklahoma [Mr. NICHOLS] may be given the time which was yielded back by the gentleman from Kentucky [Mr. BEVERLY M. VINCENT].

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. NICHOLS. Now, this is the proviso. I read from the bill:

Provided, That no original appointment to one of said grades—

Referring back to section 9—

may hereafter be approved in any case where the combined salaries of the members of a family, after such appointment, would equal or exceed $4,000.

They are going even stronger than they intend beyond the husband-and-wife proposition; they are going clear out

into the third or fourth degree, because they say "any member of a family." They limit it, of course, to $4,000.

My proposition is that people in the lower brackets are entitled to no more protection for dual employment in the Government service than people in the higher brackets. I do not think that the members of this committee really understood that if this bill were adopted in many instances people would be barred from employment under the provisions of section 9 if any member of their families were employed by the Federal Government. Is that right?

Mr. RAMSPECK. The gentleman is absolutely mistaken. The committee realized that and intended to do that very thing.

Mr. NICHOLS. The committee amendment corrected this, did it not?

Mr. RAMSPECK. The committee amendment intended to limit appointments in one family to a total salary not exceeding $4,000. It is all printed in the report of the committee.

Mr. NICHOLS. Then forget section 9 and go back to 213. That is all there is left. If you think that anybody is entitled to protection from the Government over anybody else, then adopt the Cochran substitute and put all people on an equal footing. Do not give somebody employed by the Government a chance to put his wife and his wife's brother and his brother's wife's brother on the pay roll simply because he is on the inside track and by the operation of the eternal bureaucracy which is growing up in our Government service to get four or five members of a particular family on the pay roll of the Government to the exclusion of honest, capable people. [Applause.]

Mr. RAMSPECK. Mr. Chairman, all the gentleman from Oklahoma had to say with reference to section 9 is printed in the report of the committee. If you will examine the report of the committee, you will find there the language of section 213 as it now exists, the language of section 9 as it now exists, and the language which the committee proposed to add to section 9.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. BOILEAU. The gentleman heard me express myself this afternoon. Is my interpretation correct, that if a man has a salary of $3,500 or $4,000 a year as a Government employee, his son or daughter would not be permitted to work for the Government?

Mr. RAMSPECK. That is true if the son or daughter is living under his roof.

Mr. BOILEAU. That would be discrimination against those people living together in the family.

Mr. RAMSPECK. If they move out, they can be employed.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mrs. ROGERS of Massachusetts. But the son or daughter in the employ of the Government would not be dismissed.

Mr. RAMSPECK. No; it applies only to future employment.

These Members who oppose the committee keep talking about keeping married people at work and keeping single people out of jobs, or keeping married people out of jobs who have no wife or husband in the service. I challenge any of them to present an amendment which would deny the right to a married woman to work for the United States Government. Now, which one of you has got the nerve to do it? [Applause.]

The Cochran substitute does not do a thing in the world except to extend section 213 so that if a husband or wife were employed in an emergency agency the other spouse would be denied employment under civil service but could still apply to and work for an emergency agency, even in the same department.

Mr. HARLAN. Does the gentleman have time to yield?

Mr. RAMSPECK. I yield briefly.

Mr. HARLAN. We could avoid all this confusion by adopting the amendment offered by the gentleman from Wisconsin [Mr. BOILEAU] to repeal section 213, could we not?

Mr. RAMSPECK. That would get a clear-cut vote, of course, on repeal or nonrepeal; but we reached a compromise in the committee. We have reported what has been carefully considered by the committee. I say quite frankly that the reason for the limitation on the family basis is that it costs a good deal of money to live in Washington and we felt that $4,000 for a family living in the same house was as low a figure as we ought to fix. This is a compromise reached by the committee. It applies to a whole family if they are living in the same household. If the children are out and in separate establishments, of course, this provision which the committee reported would not apply. You have only this choice: To continue section 213, which does not take married women out of the service, which does not take dual employment out of the service in the higher brackets, which does not take any of them out except in a reduction of force—and there are never any reductions in the higher-paid positions that I ever heard of—did you? I would like for anyone to tell me of anybody who lost a job under section 213 who was getting over $4,000 a year. I have never heard of one. So you have the choice between continuing section 213, which has worked a hardship on those in the lower-paid brackets, or you can substitute for it the committee amendment which will protect those who get only $1,500 or $2,000 a year from the Government and allow them to maintain their families in decency.

I hope the Members will go along with the committee for we worked hard on this thing for 2 years.

I think we have reached the best solution we can of a very troublesome problem. I realize that no man likes to stand up and say he is in favor of letting two people in a family have a job and keep somebody out of a job who has none. But this cannot solve that problem. It only separated 1,800 people from the service, and we have 300,000 more jobs in the Government today than at the time they were separated.

Mrs. JENCKES of Indiana. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentlewoman from Indiana.

Mrs. JENCKES of Indiana. Have we any assurance if section 213 is kept in, after being in effect 4 years, that married people would be put out and unmarried people put in?

Mr. RAMSPECK. Absolutely not. The Cochran substitute amendment will never reach those in the higher-grade positions, the people who could best afford to lose their jobs. Those in the higher brackets are not affected and never will be affected. This other provision, I think, will be a much better one, and I hope it will be adopted.

[Here the gavel fell.]

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Wisconsin [Mr. BOILEAU] to the committee amendment.

Mr. NICHOLS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NICHOLS. If the Boileau amendment is agreed to, under the rules would the question then recur on the amendment offered by the gentleman from Missouri [Mr. COCHRAN]?

The CHAIRMAN. The Chair may say to the gentleman that if the amendment offered by the gentleman from Wisconsin [Mr. BOILEAU] is adopted, that would be a perfecting amendment to the committee amendment. Then the substitute amendment offered by the gentleman from Missouri [Mr. COCHRAN] would be voted on as a substitute to the amended committee amendment.

Mr. NICHOLS. In either event the Cochran amendment would still be germane and voted on?

The CHAIRMAN. The gentleman is correct.

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent that the Boileau amendment be read for the information of the Committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the amendment, as follows:

Amendment offered by Mr. BOILEAU to the committee amendment: Page 2, line 5, strike out all of section 2 of the committee amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. BOILEAU] to the committee amendment.

The question was taken; and on a division (demanded by Mr. BOILEAU) there were—ayes 33, noes 81.

So the amendment to the committee amendment was rejected.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Missouri [Mr. COCHRAN] to the committee amendment.

The question was taken; and on a division (demanded by Mr. RAMSPECK) there were—ayes 84, noes 92.

Mr. COCHRAN. Mr. Chairman, I ask for tellers.

Tellers were ordered; and the Chair appointed Mr. RAMSPECK and Mr. COCHRAN to act as tellers.

The Committee again divided; and the tellers reported there were—ayes 110, noes 106.

So the substitute to the committee amendment was agreed to.

The CHAIRMAN. The question now recurs on the committee amendment as amended by the substitute.

The committee amendment as amended was agreed to.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. JONES, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 3408) to amend the Civil Service Act approved January 16, 1883 (22 Stat. 403), and for other purposes, pursuant to House Resolution 260, he reported the same back to the House with an amendment agreed to in Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered on the bill and amendment to final passage.

Mr. BOILEAU. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BOILEAU. May I ask the Chair whether or not it is possible to have a separate vote on the committee amendment? There was a committee amendment that was amended by the Cochran amendment. Can we have a separate vote on the committee amendment so that the issue may be drawn as between the committee amendment as amended and the original bill?

The SPEAKER. The Chair may say in reply to the parliamentary inquiry that there is only one vote possible under the report of the Chairman of the Committee of the Whole House, and that vote will be upon the committee amendment as amended by the Cochran substitute.

Mr. BOILEAU. That will leave the issue as between the bill as originally introduced and the bill as amended in the Committee of the Whole?

The SPEAKER. That is a correct conclusion.

The question is on the amendment reported from the Committee of the Whole House on the state of the Union.

The question was taken; and on a division (demanded by Mr. RAMSPECK) there were—ayes 123, noes 115.

Mr. RAMSPECK. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BOILEAU. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BOILEAU. I hope the Chair will bear with me. I propounded a parliamentary inquiry as to the status of the bill at the present time, and I understood the Chair to say there would be one vote on the amendment, and I understood that vote would be on the committee amendment as amended by the Cochran amendment. When the Chair put the question, he put the question on the Cochran amendment. If the Cochran amendment is voted down, would there be opportunity for a separate vote on the committee amendment as a substitute for the original bill?

The SPEAKER. The Chair is of the opinion that in the event the Cochran amendment should be voted down it would not be possible, under the parliamentary situation, to have a vote on the committee amendment, as reported to the House by the Committee on the Civil Service.

Mr. BOILEAU. Mr. Speaker, could we not have an opportunity to have a separate vote of the House on that amendment?

The SPEAKER. There is no opportunity to do anything at this time except have a yea-and-nay vote on the pending proposition.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent that the Cochran amendment may be read before the roll is called.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN as a substitute for the committee amendment:

"SECTION 1. That section 213 of the act of June 30, 1932 (47 Stat. 406), is hereby amended to read as follows: 'In any reduction of personnel in any branch or service of the United States Government or the District of Columbia, married persons (living with husband or wife) employed in the class to be reduced shall be dismissed before any other persons employed in such class are dismissed, if such husband or wife is also in the service of the United States or the District of Columbia. In the appointment of persons to the classified civil service, no person shall be eligible for appointment if said person, husband or wife, is employed by the United States Government or the District of Columbia.'"

Mr. BOILEAU. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BOILEAU. In the event the Cochran amendment is voted down, would the bill then before the House for final passage include the committee amendment, or would the committee amendment be out of the bill?

The SPEAKER. If the Cochran amendment should be voted down, then the matter to be voted on would be the original bill as introduced.

Mr. BOILEAU. Without the committee amendment?

The SPEAKER. As introduced; yes.

The yeas and nays have been ordered. The Clerk will call the roll.

The question was taken; and there were—yeas 138, nays 203, not voting 90, as follows:

[Roll No. 103]

YEAS—138

Allen, La.	Elliott	Kniffin	Poage
Amlie	Evans	Kocialkowski	Polk
Anderson, Mo.	Faddis	Kopplemann	Quinn
Arnold	Fitzgerald	Kramer	Ramsay
Barden	Flannagan	Lambertson	Rankin
Bates	Flannery	Lambeth	Richards
Beam	Fletcher	Lamneck	Robertson
Biermann	Forand	Lanham	Robsion, Ky.
Boehne	Ford, Miss.	Larrabee	Rogers, Okla.
Boren	Fries, Ill.	Lea	Sabath
Boyer	Fuller	Luce	Schaefer, Ill.
Bradley	Gildea	McCormack	Somers, N. Y.
Buck	Gray, Ind.	McFarlane	South
Burch	Gray, Pa.	McGroarty	Stack
Cannon, Mo.	Greenwood	McKeough	Steagall
Cartwright	Greever	McReynolds	Stefan
Casey, Mass.	Griffith	McSweeney	Taber
Chandler	Gwynne	Mahon, Tex.	Tarver
Cochran	Hancock, N. C.	May	Taylor, Tenn.
Colden	Harrington	Meeks	Terry
Cole, N. Y.	Hart	Mills	Thom
Collins	Harter	Mitchell, Tenn.	Thomason, Tex.
Colmer	Healey	Moser, Pa.	Tinkham
Cooley	Higgins	Mosier, Ohio	Towey
Cooper	Hill, Ala.	Nelson	Vincent, B. M.
Daly	Hill, Okla.	Nichols	Vinson, Fred M.
DeMuth	Hoffman	O'Connor, Mont.	Warren
Dies	Hunter	Pace	Wearin
Dorsey	Imhoff	Palmisano	Wene
Doughton	Jacobsen	Parsons	West
Doxey	Johnson, Okla.	Patman	Whittington
Drewry, Va.	Johnson, Lyndon	Patrick	Wilcox
Driver	Kennedy, N. Y.	Patterson	Zimmerman
Duncan	Kirwan	Pettengill	
Dunn	Kitchens	Pierce	

NAYS—203

Aleshire	Atkinson	Bloom	Burdick
Allen, Ill.	Barry	Boileau	Carlson
Allen, Pa.	Beiter	Boland, Pa.	Case, S. Dak.
Andresen, Minn.	Bell	Boykin	Celler
Andrews	Bigelow	Boylan, N. Y.	Champion
Arends	Binderup	Brown	Chapman
Ashbrook	Bland	Buckler, Minn.	Church

Citron	Gregory	Mahon, S. C.	Sanders
Clark, Idaho	Guyer	Mansfield	Sauthoff
Clark, N. C.	Haines	Mapes	Schneider, Wis.
Clason	Halleck	Mason	Scott
Claypool	Hamilton	Massingale	Secrest
Coffee, Nebr.	Harlan	Maverick	Seger
Coffee, Wash.	Havenner	Mead	Shafer, Mich.
Cole, Md.	Hendricks	Merritt	Shanley
Costello	Hildebrandt	Michener	Shannon
Cox	Hill, Wash.	Millard	Short
Crawford	Hobbs	Mitchell, Ill.	Simpson
Crosby	Holmes	Mott	Smith, Conn.
Crosser	Honeyman	Murdock, Ariz.	Smith, Va.
Crowther	Hook	Norton	Smith, Wash.
Cullen	Hope	O'Brien, Ill.	Snell
Curley	Houston	O'Brien, Mich.	Sparkman
Deen	Hull	O'Connell, Mont.	Spence
Delaney	Izac	O'Connell, R. I.	Sullivan
Dempsey	Jarman	O'Day	Sumners, Tex.
Dickstein	Jenckes, Ind.	O'Leary	Sutphin
Dingell	Jenkins, Ohio	O'Neal, Ky.	Swope
Dirksen	Jenks, N. H.	O'Neill, N. J.	Taylor, S. C.
Ditter	Johnson, Luther A.	O'Toole	Thomas, N. J.
Dixon	Johnson, W. Va.	Patton	Thomas, Tex.
Dondero	Jones	Pearson	Thompson, Ill.
Dowell	Kee	Peterson, Fla.	Thurston
Drew, Pa.	Keller	Peterson, Ga.	Tobey
Eaton	Kennedy, Md.	Pfeifer	Tolan
Eberharter	Kenney	Phillips	Treadway
Eckert	Keogh	Plumley	Turner
Eicher	Kinzer	Powers	Umstead
Engel	Lanzetta	Ramspeck	Vinson, Ga.
Englebright	Leavy	Randolph	Voorhis
Farley	Lesinski	Rayburn	Wadsworth
Fish	Lewis, Colo.	Reece, Tenn.	Wallgren
Fitzpatrick	Lord	Reed, Ill.	Weaver
Fleger	Lucas	Reed, N. Y.	Welch
Ford, Calif.	Luckey, Nebr.	Rees, Kans.	Whelchel
Gambrill	Ludlow	Reilly	Withrow
Gasque	McClellan	Rigney	Wolcott
Gearhart	McGranery	Robinson, Utah	Wolfenden
Gehrmann	McGrath	Rogers, Mass.	Wolverton
Gingery	McLaughlin	Rutherford	Woodruff
Green	Maas	Sacks	

NOT VOTING—90

Allen, Del.	Ferguson	Lewis, Md.	Sadowski
Bacon	Fernandez	Long	Schuetz
Bernard	Frey, Pa.	Luecke, Mich.	Schulte
Brewster	Fulmer	McAndrews	Scrugham
Brooks	Garrett	McGehee	Sheppard
Buckley, N. Y.	Gavagan	McLean	Sirovich
Bulwinkle	Gifford	McMillan	Smith, Maine
Byrne	Gilchrist	Magnuson	Smith, W. Va.
Caldwell	Goldsborough	Maloney	Snyder, Pa.
Cannon, Wis.	Griswold	Martin, Colo.	Starnes
Carter	Hancock, N. Y.	Martin, Mass.	Sweeney
Cluett	Hartley	Miller	Taylor, Colo.
Cravens	Hennings	Mouton	Teigan
Creal	Jarrett	Murdock, Utah	Transue
Crowe	Johnson, Minn.	O'Connor, N. Y.	Walter
Culkin	Kelly, Ill.	O'Malley	White, Idaho
Cummings	Kelly, N. Y.	Oliver	White, Ohio
DeRouen	Kerr	Owen	Wigglesworth
Disney	Kleberg	Peyser	Williams
Dockweiler	Kloeb	Rabaut	Wood
Douglas	Knutson	Rich	Woodrum
Edmiston	Kvale	Romjue	
Ellenbogen	Lemke	Ryan	

Mr. COX, Mr. BURDICK, and Mr. ALESHIRE changed their votes from "yea" to "nay."

Mr. CARTWRIGHT and Mr. ARNOLD changed their votes from "nay" to "yea."

So the amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Garrett (for) with Mr. White of Ohio (against).
Mr. Martin of Colorado (for) with Mr. Bacon (against).

General pairs:

Mr. Woodrum with Mr. Douglas.
Mr. Taylor of Colorado with Mr. Wigglesworth.
Mr. Bulwinkle with Mr. Hartley.
Mr. Miller with Mr. Gifford.
Mr. O'Connor of New York with Mr. Cluett.
Mr. Starnes with Mr. Rich.
Mr. Owen with Mr. Martin of Massachusetts.
Mr. Fulmer with Mr. Knutson.
Mr. Griswold with Mr. Culkin.
Mr. White of Idaho with Mr. Hancock of New York.
Mr. Schulte with Mr. Carter.
Mr. Fernandez with Mr. Jarrett.
Mr. Disney with Mr. McLean.
Mr. Cravens with Mr. Smith of Maine.
Mr. Kelly of Illinois with Mr. Brewster.
Mr. Kleberg with Mr. Oliver.
Mr. McAndrews with Mr. Gilchrist.
Mr. Lewis of Maryland with Mr. Lemke.
Mr. Kerr with Mr. Johnson of Minnesota.
Mr. Goldsborough with Mr. Teigan.
Mr. Sheppard with Mr. Bernard.
Mr. McMillan with Mr. Kvale.
Mr. Maloney with Mr. Buckley of New York.
Mr. Romjue with Mr. Sirovich.
Mr. O'Malley with Mr. Ferguson.
Mr. Creal with Mr. Sweeney.
Mr. Luecke of Michigan with Mr. Wood.
Mr. Sadowski with Mr. Ellenbogen.
Mr. Allen of Delaware with Mr. Murdock of Utah.
Mr. Cummings with Mr. Ryan.
Mr. Frey with Mr. Transue.
Mr. Hennings with Mr. Peyser.
Mr. Brooks with Mr. Mouton.
Mr. Byrne with Mr. Rabaut.
Mr. Schuetz with Mr. Crowe.
Mr. Caldwell with Mr. Scrugham.
Mr. DeRouen with Mr. Edmiston.
Mr. Snyder of Pennsylvania with Mr. Williams.
Mr. McGehee with Mr. Kelly of New York.
Mr. Smith of West Virginia with Mr. Walter.
Mr. Magnuson with Mr. Long.
Mr. Dockweiler with Mr. Kloeb.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. NICHOLS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. NICHOLS. Mr. Speaker, would a motion be in order at this time that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 3408?

The SPEAKER. The Chair replies in the negative to that parliamentary inquiry.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed, read a third time, and was read the third time.

The SPEAKER. The Clerk will read the text of the bill for the information of the House.

The Clerk read as follows:

Be it enacted, etc., That an act entitled "An act to regulate and improve the civil service of the United States" (act of January 16, 1883, 22 Stat. 403), is hereby amended by adding at the end of the sixth paragraph of section 2 of the act a new paragraph, as follows:

"And no person shall be discriminated against in any case because of his or her marital status in examination, appointment, reappointment, reinstatement, reemployment, promotion, transfer, retransfer, demotion, removal, or retirement. All acts or parts of acts inconsistent herewith are hereby repealed."

The SPEAKER. The question is on the passage of the bill.

Mr. McFARLANE. Mr. Speaker, I offer a motion to recommit the bill, with an amendment.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. McFARLANE. In its present form, yes, Mr. Speaker.

The SPEAKER. Is there any member of the minority side of the committee who is opposed to the bill and desires to present a motion to recommit? Is there any member of the minority who is opposed to the bill and desires to make a motion to recommit? If not, the gentleman from Texas is recognized.

The Clerk read as follows:

Mr. McFARLANE moves to recommit the bill to the Committee on the Civil Service with instructions to that committee to report the same back forthwith, with the following amendment:

"SEC. 213. Any husband or wife employed in any branch or service of the United States Government or the District of Columbia, and both are receiving compensation of a total of more than $3,600 per annum, shall be forthwith dismissed if the other member is also in the service of the United States or the District of Columbia. Hereafter, whenever there is already the husband or wife of a family employed in any such branch or service, and both are receiving compensation at a total of more than $3,600 per annum, the other member of such family shall not be eligible to appointment in the service of the United States or the District of Columbia. This section shall not apply to the enlisted personnel of the Army, Navy, Coast Guard, or Marine Corps."

Mr. RAMSPECK. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Texas to recommit the bill.

The question was taken; and on a division (demanded by Mr. McFARLANE) there were—ayes 87, noes 173.

Mr. McFARLANE. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Chair being in doubt, Mr. COCHRAN and Mr. NICHOLS demanded the yeas and nays.

The yeas and nays were ordered.

Mr. McFARLANE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McFARLANE. Mr. Speaker, is not the present parliamentary situation a vote on the question of whether or not we will repeal section 213, and that question alone?

The SPEAKER. The Chair cannot answer the question in that form, but the Chair will state what is the parliamentary situation. The question now is on the passage of the bill as originally introduced.

Mr. McFARLANE. Without the committee amendment?

The SPEAKER. Without the committee amendment.

The question was taken; and there were—yeas 205, nays 129, not voting 97, as follows:

[Roll No. 104]

YEAS—205

Aleshire	Drew, Pa.	Kennedy, Md.	Reece, Tenn.
Allen, Ill.	Drewry, Va.	Keogh	Reed, Ill.
Allen, Pa.	Driver	Kinzer	Reed, N. Y.
Andrews	Dunn	Kniffin	Rees, Kans.
Arends	Eaton	Lanzetta	Reilly
Arnold	Eberharter	Leavy	Rigney
Ashbrook	Eckert	Lesinski	Rogers, Mass.
Atkinson	Elliott	Lewis, Colo.	Rutherford
Barry	Engel	Lord	Sacks
Beiter	Englebright	Lucas	Sauthoff
Bell	Farley	Luce	Schneider, Wis.
Bigelow	Fitzpatrick	Luckey, Nebr.	Scott
Bland	Flannagan	Ludlow	Secrest
Bloom	Flannery	McClellan	Seger
Boileau	Fleger	McGranery	Shafer, Mich.
Boland, Pa.	Forand	McGrath	Shanley
Boylan, N. Y.	Ford, Calif.	McLean	Short
Brown	Fries, Ill.	Maas	Simpson
Buck	Fuller	Mahon, S. C.	Smith, Conn.
Buckler, Minn.	Gambrill	Mansfield	Smith, Va.
Burch	Gasque	Mapes	Smith, Wash.
Burdick	Gavagan	Mason	Snell
Carlson	Gearhart	Massingale	Sparkman
Case, S. Dak.	Gehrmann	Maverick	Spence
Celler	Gingery	Mead	Sullivan
Champion	Green	Merritt	Sumners, Tex.
Chapman	Gregory	Millard	Sutphin
Church	Griffith	Mitchell, Ill.	Swope
Citron	Guyer	Mott	Taylor, S. C.
Clark, Idaho	Haines	Murdock, Ariz.	Thomas, N. J.
Clark, N. C.	Halleck	Norton	Thurston
Clason	Hamilton	O'Brien, Mich.	Tobey
Claypool	Harlan	O'Connell, Mont.	Tolan
Coffee, Nebr.	Havenner	O'Connor, Mont.	Treadway
Coffee, Wash.	Hendricks	O'Day	Umstead
Cole, Md.	Hildebrandt	O'Leary	Vinson, Ga.
Costello	Hill, Wash.	O'Neill, N. J.	Voorhis
Crawford	Hobbs	O'Toole	Wadsworth
Crosby	Hoffman	Parsons	Wallgren
Crosser	Holmes	Patton	Walter
Crowther	Honeyman	Pearson	Weaver
Cullen	Hook	Peterson, Fla.	Welch
Curley	Hope	Peterson, Ga.	Wene
Deen	Houston	Pfeifer	Whelchel
Delaney	Hull	Phillips	Withrow
Dickstein	Hunter	Pierce	Wolcott
Dingell	Izac	Plumley	Wolfenden
Dirksen	Jarman	Polk	Wolverton
Ditter	Jenckes, Ind.	Powers	Woodruff
Dixon	Jenkins, Ohio	Ramspeck	
Dondero	Jenks, N. H.	Randolph	
Dowell	Johnson, W. Va.	Rayburn	

NAYS—129

Allen, La.	Cox	Hart	Larrabee
Anderson, Mo.	Daly	Harter	Lea
Andresen, Minn.	Dempsey	Healey	McCormack
Barden	DeMuth	Hennings	McFarlane
Bates	Dies	Hill, Ala.	McGroarty
Beam	Dorsey	Hill, Okla.	McKeough
Biermann	Doughton	Imhoff	McLaughlin
Binderup	Doxey	Jacobsen	Mahon, Tex.
Boehne	Duncan	Johnson, Luther A.	May
Boren	Eicher	Johnson, Lyndon	Meeks
Boyer	Evans	Johnson, Okla.	Mills
Bradley	Faddis	Jones	Mitchell, Tenn.
Cannon, Mo.	Fitzgerald	Kennedy, N. Y.	Moser, Pa.
Cartwright	Fletcher	Kenney	Mosier, Ohio
Casey, Mass.	Ford, Miss.	Kirwan	Mouton
Chandler	Gildea	Kitchens	Nelson
Cochran	Gray, Ind.	Kocialkowski	Nichols
Colden	Gray, Pa.	Kopplemann	O'Connell, R. I.
Cole, N. Y.	Greenwood	Kramer	O'Neal, Ky.
Collins	Greever	Lambertson	Pace
Colmer	Gwynne	Lambeth	Palmisano
Cooley	Hancock, N. C.	Lamneck	Patman
Cooper	Harrington	Lanham	Patrick
Patterson	Rogers, Okla.	Tarver	Vinson, Fred M.
Pettengill	Sabath	Terry	Warren
Poage	Sanders	Thom	Wearin
Quinn	Schaefer, Ill.	Thomas, Tex.	West
Ramsay	Somers, N. Y.	Thomason, Tex.	Whittington
Rankin	South	Thompson, Ill.	Wilcox
Richards	Stack	Tinkham	Zimmerman
Robertson	Steagall	Towey	
Robinson, Utah	Stefan	Turner	
Robsion, Ky.	Taber	Vincent, B. M.	

NOT VOTING—97

Allen, Del.	Ferguson	Lewis, Md.	Sadowski
Amlie	Fernandez	Long	Schuetz
Bacon	Fish	Luecke, Mich.	Schulte
Bernard	Frey, Pa.	McAndrews	Scrugham
Boykin	Fulmer	McGehee	Shannon
Brewster	Garrett	McMillan	Sheppard
Brooks	Gifford	McReynolds	Sirovich
Buckley, N. Y.	Gilchrist	McSweeney	Smith, Maine
Bulwinkle	Goldsborough	Magnuson	Smith, W. Va.
Byrne	Griswold	Maloney	Snyder, Pa.
Caldwell	Hancock, N. Y.	Martin, Colo.	Starnes
Cannon, Wis.	Hartley	Martin, Mass.	Sweeney
Carter	Higgins	Michener	Taylor, Colo.
Cluett	Jarrett	Miller	Taylor, Tenn.
Cravens	Johnson, Minn.	Murdock, Utah	Teigan
Creal	Kee	O'Brien, Ill.	Transue
Crowe	Keller	O'Connor, N. Y.	White, Idaho
Culkin	Kelly, Ill.	O'Malley	White, Ohio
Cummings	Kelly, N. Y.	Oliver	Wigglesworth
DeRouen	Kerr	Owen	Williams
Disney	Kleberg	Peyser	Wood
Dockweiler	Kloeb	Rabaut	Woodrum
Douglas	Knutson	Rich	
Edmiston	Kvale	Romjue	
Ellenbogen	Lemke	Ryan	

So the bill was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. Bacon (for) with Mr. Oliver (against).
Mr. White of Ohio (for) with Mr. Martin of Colorado (against).

General pairs:

Mr. Woodrum with Mr. Douglas.
Mr. Taylor of Colorado with Mr. Wigglesworth.
Mr. Bulwinkle with Mr. Hartley.
Mr. Miller with Mr. Gifford.
Mr. O'Connor of New York with Mr. Cluett.
Mr. Starnes with Mr. Rich.
Mr. Owen with Mr. Martin of Massachusetts.
Mr. Fulmer with Mr. Knutson.
Mr. Griswold with Mr. Culkin.
Mr. White of Idaho with Mr. Hancock of New York.
Mr. Schulte with Mr. Carter.
Mr. Fernandez with Mr. Jarrett.
Mr. Cravens with Mr. Smith of Maine.
Mr. Kelly of Illinois with Mr. Brewster.
Mr. McAndrews with Mr. Gilchrist.
Mr. Lewis of Maryland with Mr. Lemke.
Mr. Kerr with Mr. Johnson of Minnesota.
Mr. Goldsborough with Mr. Teigan.
Mr. Sheppard with Mr. Bernard.
Mr. McMillan with Mr. Kvale.
Mr. Maloney with Mr. Buckley of New York.
Mr. Boykin with Mr. Fish.
Mr. McReynolds with Mr. Amlie.
Mr. O'Brien of Illinois with Mr. Michener.
Mr. Kleberg with Mr. Taylor of Tennessee.
Mr. Romjue with Mr. Sirovich.
Mr. O'Malley with Mr. Ferguson.
Mr. Creal with Mr. Sweeney.
Mr. Luecke of Michigan with Mr. Wood.
Mr. Sadowski with Mr. Ellenbogen.
Mr. Allen of Delaware with Mr. Murdock of Utah.
Mr. Cummings with Mr. Ryan.
Mr. Frey with Mr. Transue.
Mr. Byrne with Mr. Rabaut.
Mr. Schuetz with Mr. Higgins.
Mr. Caldwell with Mr. Scrugham.
Mr. DeRouen with Mr. Edmiston.
Mr. Snyder of Pennsylvania with Mr. Williams.
Mr. McGehee with Mr. Kelly of New York.
Mr. Smith of West Virginia with Mr. Kee.
Mr. Magnuson with Mr. Long.
Mr. Keller with Mr. Brooks.
Mr. Disney with Mr. Peyser.

Mr. ANDERSON of Missouri changed his vote from "aye" to "no."

The result of the vote was announced as above recorded.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE TO ADDRESS THE HOUSE

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that on Tuesday next, after the disposition of business on the Speaker's desk, and the conclusion of the legislative program for the day, I be permitted to address the House for 1 hour.

The SPEAKER. The gentleman from Texas asks unanimous consent that on Tuesday next, after the conclusion of the legislative program for the day, he be permitted to address the House for 1 hour. Is there objection?

There was no objection.

Mr. COX. Mr. Speaker, I ask unanimous consent that tomorrow, after the disposition of matters on the Speaker's desk and the completion of the legislative program for the day, I be permitted to address the House for 40 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House tomorrow for 20 minutes, after the conclusion of the address of the gentleman from Georgia [Mr. Cox].

The SPEAKER. The gentleman from Michigan asks unanimous consent that at the conclusion of the remarks of the gentleman from Georgia, tomorrow, he be permitted to address the House for 20 minutes. Is there objection?

There was no objection.

THE LATE WILLIAM P. CONNERY

Mr. KOPPLEMANN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. KOPPLEMANN. Mr. Speaker, I desire to insert in the RECORD the following resolution proposed by John L. Sullivan, of New Britain, Conn., at the Forty-second Annual Convention of the American Federation of Musicians, held at Louisville, Ky., and adopted by that body on the death of our late colleague, William P. Connery:

Whereas the Honorable William P. Connery has consistently and valiantly championed the cause of labor in his deliberations as a Member of Congress; and

Whereas the members of the American Federation of Musicians are bowed down with grief over the sudden and untimely death of their sincere friend and great benefactor: Be it

Resolved, That the American Federation of Musicians, by its delegates in convention assembled at Louisville, Ky., spread upon its imperishable records this resolution of regret over the death of this great statesman and true friend of labor; and be it further

Resolved, That a copy of this resolution be forwarded to the widow of the deceased patriot with the added assurance of our deep sympathy and grave concern for her irreparable loss.

PERSONAL EXPLANATION

Mr. WALLGREN. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. WALLGREN. Mr. Speaker, I take this time to announce that my colleague, Mr. MAGNUSON, who is vitally interested in the legislation just passed this afternoon, was unavoidably absent, attending a cancer hearing before a committee of the Senate.

EXTENSION OF REMARKS

Mr. JACOBSEN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. O'NEILL of New Jersey. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a letter written by Mr. Barry of New York.

The SPEAKER. Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent that all members be allowed to extend their remarks upon this bill for 5 legislative days.

The SPEAKER. Is there objection?

There was no objection.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent in the extension of my remarks on this bill just passed to include a letter referred to in my remarks this afternoon.

The SPEAKER. Is there objection?

There was no objection.

ORDER OF BUSINESS

Mr. DITTER. Mr. Speaker, I have the privilege of addressing the House this afternoon at the conclusion of the time allotted to the gentleman from Montana [Mr. O'CONNELL]. Would it be possible for me to yield that time to my colleague from Pennsylvania [Mr. DORSEY]?

The SPEAKER. It can be done by unanimous consent. The Chair states that because another order was heretofore made for another gentleman to address the House and the Chair thinks it proper that the matter should be brought to the attention of the House.

Mr. DITTER. Then, Mr. Speaker, I ask unanimous consent that the time heretofore allotted to me today, 15 minutes, may be allotted to my colleague from Pennsylvania [Mr. DORSEY] in my stead.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LYNCHINGS

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to proceed for 3 minutes.

The SPEAKER. Is that agreeable to the gentleman from Montana [Mr. O'CONNELL]?

Mr. O'CONNELL of Montana. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SUMNERS of Texas. Mr. Speaker, I have asked this time for the purpose of inserting in the RECORD a letter which I have received from Dr. Work, of Tuskegee Institute, with reference to the number of lynchings that occurred last year.

Members of the House will remember that there was some conflict between the number of lynchings, as given by the Association of Southern Women for the Prevention of Lynching, and Dr. Work. Dr. Work at that time stated that there had been nine lynchings during that year. Since that time one of the supposed victims has been found alive. This is fully explained in Dr. Work's letter, which is as follows:

TUSKEGEE NORMAL AND INDUSTRIAL INSTITUTE,
Tuskegee Institute, Ala., June 23, 1937.

The Honorable HATTON W. SUMNERS,
Chairman of the Committee on the Judiciary,
House of Representatives, Washington, D. C.

HONORABLE SIR: I have your letter of June 17 relative to the lynching record for 1936.

Frank Weems, reported to have been lynched at Earle, Crittenden County, Ark., on June 16, 1936, was discovered alive in Chicago May 18, 1937.

It was alleged that Weems, a Negro sharecropper, had been beaten to death. On June 17, 1936, Miss Willie Sue Blagden, social worker of Memphis, Tenn., and the Rev. Claude C. Williams, a Presbyterian minister, of Little Rock, Ark., came to Earle, in Crittenden County, in an attempt to locate the body of Frank Weems and to hold a funeral over the same. They were seized and flogged severely with a large leather strap. Williams was lashed 14 times and Miss Blagden 5. They were then put on a train for Memphis.

The sheriff of Crittenden County maintained that Weems was not lynched, but he gave no explanation concerning Weems' disappearance. In December 1936 the Farmers Tenant Union and other agencies again demanded that the sheriff produce Weems or explain his disappearance; the sheriff failed to do anything; hence, I decided to record the incident as a lynching.

As soon as information was received that Weems was alive and in Chicago, I revised my lynching report.

This revised report is enclosed.

Very sincerely yours,

MONROE N. WORK,
Editor, Negro Year Book.

A copy of the report referred to, as revised, shows that during 1936 there were a total of eight lynchings in the United States, or one for each 16,054,000 population.

Mr. Speaker, while I have this time I want to make a correction of some figures given by me during the debate on the antilynching bill. I can forgive all those who voted against me on that bill, but for nobody, friend or foe, to call my attention to the fact that this thing of percentage does not work the same way in each direction, is one thing that I do not think I can ever forgive. I stated repeatedly that

the number of lynchings between 1892, when there were 231 lynchings, with a population of 65,665,810, or 1 for each 284,000 population, and last year, when there were only 8 lynchings, with a population of 128,429,000, or 1 for each 16,054,000, was a reduction between those dates of over 5,000 percent, and nobody corrected me. After it was all over and I got to figuring on it, I found that that was just about 4,900 percent more than it would have been if there had been no lynchings in 1936. That while the percent was over 5,000 greater in 1892 than in 1936, using 1936 as the basis for calculation, coming downhill from 1892 there was shown a reduction of 98 percent.

I was in the situation of the witness who testified out in west Texas in a shooting case. He testified that there were two shots. They asked him how fast the man was shooting, and he said he was shooting at him every jump. On cross-examination he was asked where he, the shootee, was when the shots were fired. "Over there in front of the post office, Judge, when the first shot was fired, and the second one over in front of Wild Pete's saloon. Hold on, Judge," said the witness, "I have got that son of a gun jumping too far." [Laughter and applause.]

I thank you very much.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. LEAVY. Mr. Speaker, I ask unanimous consent to extend my own remarks and include some extracts from a letter.

The SPEAKER. Is there objetcion?

There was no objection.

LABOR

The SPEAKER. Under the special order of the House the gentleman from Montana [Mr. O'CONNELL] is recognized for 30 minutes.

Mr. O'CONNELL of Montana. Mr. Speaker, for the past few weeks there has been a lot of alarming talk in this House with respect to the steel strike situation and the existence of a civil war in the United States. Yes, my friends, there has been a lot of labor-hating, breast-beating red baiters addressing this House, attacking the administration of the greatest President who ever sat in the White House, attacking members of his Cabinet and attacking the outstanding labor leaders of the United States, and attacking the common people and the laborers of the United States, who are more responsible for the victory of the Democratic Party last November 3 than any other group in this Nation.

There are many labor-hating, red-baiting Tories in this House who raise their voice in protest against the action of the strikers throughout the seven steel States. There are a lot of breast-beating labor haters and reactionaries in this assembly who, on the Democratic side of the House, owe their election to the laboring people and to the farmers of this Nation—owe the election of the President of the United States—yet, now that the election is over, now that they are safely ensconced in a congressional seat, forget their promises, forget their pledges, betray and turn traitor on the laboring people and on the farming people of these United States.

At first I did not take them very seriously and was not going to reply, but in the past few days this attack is evidently a planned one; this attack was planned from the outside by the labor-hating, red-baiting newspapers of this country, and particularly an attack developed by none other than the greatest labor hater in all the world, that greatest provocateur of war in all the world, none other than the notorious Willie Hearst.

I am not alarmed by the Tories on the Republican side, because they are only repaying the money and the campaign boodle given them by the great wealthy entrenched interests of this country, by the greedy, selfish, sinful crowd of the special-privilege seekers who would rule this country or ruin it. But I am indeed surprised when Members rise on the Democratic side and join with them in their attack upon the President of the United States, join with them in their attack upon various members of the Cabinet, and join with them upon their various attacks upon the labor leaders and laboring people of the United States.

I speak here today in my small way to make some answer to those attacks.

The distinguished gentleman from Georgia [Mr. Cox] the other day said that if the labor leaders of this country, if the C. I. O. attempted to organize workers in the South, he told them they would be met by the flower of southern manhood. I do not know what he means by the flower of southern manhood, but if he means that special privilege seeking crowd in the South, if he means those mill owners who have oppressed labor in the South, if he means those labor haters in the South, if he means those red baiters in the South, if he means those who have always fought every piece of progressive and liberal legislation in this country, I want to say to him and say to the flower of southern manhood that the flower of the manhood of the workingmen of this country, the flower of the manhood of the miners and the muckers, of the steel workers, of the automobile workers, of the maritime workers, of every son of those who toil by the sweat of their brows, I want him to know and want him to tell the flower of southern manhood that labor not only in the North but in the South is ready, that the C. I. O. is going into the South, that labor is on the march—that labor is going into the South, organize, and pay the workers of that section the kind of wages they ought to receive instead of starving them to death gradually with the poor pittances they now receive.

Oh, yes; the distinguished gentleman from Michigan [Mr. HOFFMAN] said that he was all ready, all ready to lead this great army of vigilantes of his in to fight those who would attack his home. Oh, I think he is a little bit disturbed. I know what every man who fights labor is afraid of. I know that he is fighting back, if he possibly can, the attacks that will be made upon him in his next political attempt.

Oh, he read a letter here the other day from the wife of somebody who was supposed to be a worker. Now, from my experience, I know what is the matter. That woman happens to be the wife of a scab. And every worker in the world, every laboring man in the world, hates a scab and despises a scab, and that woman has a guilty conscience, that woman knows that her husband has betrayed the workers, that woman knows that her husband has been a traitor to his own cause, and she knows the fate of all traitors, she knows the fate of all those who would scab and betray their own, and so she has secured an automatic to protect her in her guilt—to soothe, if you please, her guilty conscience.

Much has been said here that labor and its leaders have been irresponsible, that labor and its leaders have caused violence and terror and bloodshed in the strike area. I came here to tell you today who is irresponsible. I came here today to tell you who is responsible for the violence and for the bloodshed, and for the premeditated murder and atrocity in the striking States. I came here to tell you who is responsible for it all. I came here to tell you who caused that violence—and I am going to tell you the leader of it all, the man in back of it all—none other than Tom Girdler.

Violence, my friends. Who has been shot in the back? Who has been clubbed to death? Who, my friends, has been seriously injured? None other than 13 strikers and sympathizers who were shot in the back, who were clubbed to death, none other than scores of strikers and sympathizers who have been seriously injured—yet not a single serious injury to the scabs, the police, the company gunmen, or their strikebreakers in the strike area. Who, pray, is responsible for this violence? No; not the unarmed strikers who are its victims but the highly armed hirelings and stool pigeons, the tools and scabs and company gunmen who do the shooting and clubbing in these strikes. Who leads them, my friends? None other than Tom Girdler. And who is this fellow Girdler? I would like to tell you where he came from and who

he is and what his record is and why he is performing as he does today.

Who is this great symbol of Americanism which these Tories hold up today, this great symbol of what is right and just and great in American industry?

Who is this great hero of capitalism who already has managed to kill some 10 strikers and cripple hundreds more, this man who is now wading through rivers of blood in order to become another Carnegie, which is reputed to be his glorious goal? Why, he started out as a salesman of heating apparatus, if you please; then he became an assistant superintendent with the Colorado Fuel & Iron Co., one of the most bitter corporate foes of labor this country has ever seen, whose labor policy bore fruit in the historic Ludlow massacre in 1914.

Then "Bugle-Nosed" Tom went to Jones & Laughlin, which built Aliquippa, Pa., known as the most perfect company town in America. What was his job when an assistant in both of these companies? It was to drive men. He became notorious as a slave driver, because it was his only skill. He ran one of the tightest company hell towns on the continent. It was known as the Siberia of America.

Tom Girdler is a parasite, a parasite who would ruin all human industry. He is a gangster who would turn industry into a racket, but he is on his way out. He can no longer poison the very sources of our life. He is on his way despite all his bluster, despite all his sarcasm, despite all his irony, despite his plentiful murders and his protective barricade of scabs and strikebreakers and gunmen, because the world is turning against him. His system is cracking because before capital found it comparatively easy to climb on the broken bloody bodies of workers, but "Bugle-Nosed" Tom will find it a much more slippery, a much more dangerous road.

Tom Girdler is not content to fight the C. I. O. alone. Tom Girdler is not only fighting John L. Lewis, the labor leader. He leads his bloody gang against Myron C. Taylor, a business leader, and head of the United States Steel, who signed with the unions. When Tom Girdler insists on freedom from union conditions he strikes at every other company in the industry which have granted union conditions, because the C. I. O. has signed contracts with 250 corporations in the steel industry employing a total of 440,000 men, while the four independents which refuse to deal with the unions employ only 159,000 men. Tom Girdler is only an outlaw. Tom Girdler is a gangster in his own industry, when he represents only 26 percent of that industry and fights not only the workers therein but is trying and seeking a competitive advantage over the remaining 74 percent of the employers of steel who are trying to be decent.

Tom Girdler is the enemy of his own system. It is he who teaches employees and workers that employers and capital cannot be trusted. It is he who teaches workers that the profit system exists only for its owners, and that its owners set themselves above the law. It is Tom Girdler who educates labor to a belief in the hopelessness of cooperating with capital. It is Tom Girdler who breeds and who trains radicals, who makes Communists. It is Tom Girdler who draws the battle line between strikers and makes labor desperate and reckless, and creates civil war in these United States.

Yes, Mr. Speaker, Tom Girdler is on his way out. Tom Girdler may seemingly be riding to victory today, but he will receive the condemnation not only of the working people of this country but of his own class and all those capitalists in his own industry.

Labor will carry on. This strike will not be ended until labor is granted its conditions. This strike will not be ended until Tom Girdler bows and accepts the working conditions for American citizens and working conditions that American citizens ought to have in these United States.

American labor and the steel strikers have stood up magnificently before the onslaught of Tom Girdler's gunmen and the thugs of his company. They have fought brilliantly in these front-line trenches of American democracy and unionism; and, by the Eternal, they deserve to win and they shall win.

Then next, my friends, comes one of the greatest of all labor haters in this world. None other than our old friend Henry Ford. Henry day in and day out is mobilizing his army of gunmen, thugs, and strikebreakers; but Henry has found himself caught in the toils of the law, and 15 of his men look like they are going over the road for a nice term of about 5 years in the penitentiary and a $5,000 fine for the brutal attack made on those men who tried to pass out union literature in front of his plant. Oh, I read some place about how Henry Ford bats. I remember away back, a long time ago, when the American doughboys were leaving for France. When America had just entered the war, and when Henry Ford said, "We'll have the doughboys out of the trenches before Christmas", and then it was nearly, my friends, a Christmas 1 year following before the doughboys came out of those trenches, and Henry had nothing to do with it at all. And then the next thing we heard from Henry Ford was when he said if prohibition was repealed in the United States he would not manufacture another automobile—and prohibition is repealed, and poor old Henry goes right on manufacturing "Lizzies"—and then the last thing we heard from Henry was about last October, when Henry said that the election of Landon was assured; and so 27,000,000 people went to the polls and cast their votes for Roosevelt, and 46 States in the Union against 2 cast their votes against Landon and Henry Ford and all of that ilk.

And then, my friends, the other day, Henry made another one of his prophecies, and that was when he said he will not recognize the union—but in the prophecies that I have recalled to you Henry has missed three out of three, and I predict that Henry stands to lose four out of four—that Henry will recognize the union; that Henry will recognize the C. I. O. and the workers in his factory will receive the labor conditions to which they are entitled, and not those slave-driving conditions, not that speed-up work that Henry Ford has been trying to pass out in an endeavor to destroy union organization in the past few days. I know those union workers, those automobile workers, are not deceived by Henry's shotgun liberality in the last few weeks. They know that once Henry destroys their organization that they will get just what they always got from Henry—and poor old Henry is going to be fooled—poor old Henry is going to recognize the union—Henry is going to bat exactly four out of four.

I noticed the other day in the debate, which became rather warm here, that the gentleman from Michigan began to discuss the Chicago Memorial Day massacre, but I noticed he changed very quickly. I noticed his comments about it were not as severe as they were in other things and that he jumped from the subject rather quickly. I know that many of the Members of this House saw the Paramount film shown before the Senate Civil Liberties Committee just the other day. I do not have to tell them that that was the worst premeditated atrocity in all the world. I do not have to tell them that that was the most premeditated, most malicious, cold-blooded murder in all the world. I do not have to tell them how helpless men, women, and children were clubbed and beaten to death. I do not have to tell you how helpless strikers, retreating, were shot in the back. I do not have to tell you how helpless strikers and helpless women and children lying on the ground were beaten with the sticks and billies of these police thugs.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield right there?

Mr. O'CONNELL of Montana. Yes; I yield.

Mr. HOFFMAN. Was it any more bloody than that in June of 1922 when those 25 men, after surrendering and having no arms in their hands, were shot and hanged, and six of them dragged behind an automobile, immediately upon receipt of a telegram from Lewis?

Mr. O'CONNELL of Montana. I do not know what the gentleman is discussing. I was only 13 years old then, and in the eighth grade.

Mr. HOFFMAN. I am discussing the Herrin massacre.

Mr. O'CONNELL of Montana. I think the gentleman knows who is responsible for that. That was those men who owned those companies; those men who would not recognize labor; those men who had been unfair to labor; those men who would never do anything for labor; who have always fought them. They brought that upon themselves.

Mr. HOFFMAN. But the men who belonged to the steamshovel union were working these mines, and those are the men who were killed.

Mr. O'CONNELL of Montana. The gentleman talks about steamshovelers in that incident, but he will find out that they were probably members of a company union or a scab union that was fighting labor for the companies.

I saw some of them present at the showing of those films, and I could see by the way they sweat, I could see by the way they move about, I could see by the way they even trembled, that day in and day out, night after night, they cannot rest, they cannot be secure, because the blood of these 10 people is on their hands—the bloody murder of 10 men is continually preying on their minds and the Almighty God above is asking them how in the name of heaven will they ever pay for the dastardly crime that they have committed. I say that it is high time that the State of Illinois and the city of Chicago prosecuted these murderers; that they send them to the gallows and to the electric chair, or whatever their form of capital punishment may be, and see that these 10 workers' lives are paid for by seeing the extreme penalty being inflicted on these brutes.

These policemen are murderers. These policemen are guilty before God and before the law, and they ought to be prosecuted; they ought to be convicted and sent to their death, as they sent these helpless men, women, and children and injured hundreds more.

Oh, there has been much talk in here about the Chicago massacre and all; the Tories who rail in here, the reactionaries who howl, do not say much about it. They do not want to justify it all because they know they have been exposed in the films, they know they have been exposed by actual eyewitnesses, they know that the police are guilty, they know that the murder of 10 men lies on the hands of Tom Girdler and the Republic Steel Co., and by the eternal they should pay for it before God and before this country.

The other day in the debate much was said about the right of work that ought to be preserved; that these strikebreakers and those who wanted to return to work ought to be given the right to work; that it was their right, and the Government of the United States and the Governors of the various States ought to protect them in that right, and the distinguished gentleman from Michigan argued for it as he argues for all his capitalistic ideas. What Mr. HOFFMAN was talking about that day was not the right to work; rather, it was the right to scab.

Mr. HOFFMAN. Will the gentleman yield there for a moment?

Mr. O'CONNELL of Montana. Yes.

Mr. HOFFMAN. I did not argue for any such thing.

Mr. O'CONNELL of Montana. The gentleman did argue. You not only argued for it but you have introduced a resolution in this House asking for its enactment; asking for the very same thing.

Mr. HOFFMAN. The resolution speaks for itself, and the Members of the House can read as well as the gentleman.

Mr. O'CONNELL of Montana. Yes; and it says that the right to work ought to be preserved; but what the gentleman from Michigan was talking about, I think, was not the right to work, but rather it was the right to scab.

My friends, I wonder if you know what a scab is. I wonder if you know what he is in the labor movement. I wonder if you know who these men are who are so ready and willing to go back to work. I wonder if you know who's right to work the Graces and the Girdlers and all the other murderers in this country—labor murderers, and haters in this country—are asking to protect. I wonder if you really know what a scab is and how dastardly and how low and what a scum he is in the American system today. A scab, my friends, I learned at my mother's knee, a scab I learned from my striking father wounded by a scab's bullet and by company gunmen, was the lowest scum on the face of the earth—a scab is the Judas Iscariot of the labor movement—a scab is a Benedict Arnold of the working people of this country. A scab, my friends, is a traitor to his own fellow workers, a scab is a betrayer of those who trusted him, a scab is one who would steal the money and the jobs of the man who works side by side with him. A scab, my friends, is the most despicable person that ever lived on this earth. A scab, my friends, is not respected by labor. A scab, my friends is not respected either by capital; they know, and capital knows, and the industrial overlord knows that if their own workers cannot trust them they cannot trust them.

Mr. HOFFMAN. Will the gentleman yield there?

Mr. O'CONNELL of Montana. I refuse to yield further.

I have seen those who have scabbed in the city of Butte, I have seen those who have scabbed for the Anaconda Copper Mining Co., eventually thrown out, eventually to become bums, hated and despised by everybody. Companies do not want them. They know how trustless they are. They know how soon they will double-cross them. They know how soon they will be a traitor to everything they want. If they can buy them at their price, somebody else can buy them at a better price. Oh, I say I would not want to be in the shoes of the distinguished gentleman from Michigan. I would not want to raise my voice in behalf of the scabs of this country—in behalf of the lowest scum in this world, but I will take the gentleman seriously. He has introduced a resolution, as I understand, in this body demanding that the right of a man to work shall be preserved. Imagine, my friends, when you listen to that resolution you would think that the right to work that he demands should be preserved already existed, when everybody knows the contrary is true; when everybody knows that more than 7,000,000 men are asking for the right to work today. Why, I look back to newspaper files of '29 and '30 and '31 and '32 and '33 and see how the Eugene Graces and the Tom Girdlers were crying against the very idea that men have the right to work, as I remember those men who talked about the right to work back in '29 and '30 and '31 were radicals and Communists and labor leaders and labor agitators. Now we have a new bunch here that are demanding the right to work. Oh, yes, in '29 and '30 and '31 they got support from the great engineer in the White House, too. Although Hoover may never have directly stated that the right to work did not exist under capitalism, he said in effect the same thing when he told the millions of unemployed clamoring for work and wages that they might as well, and they better, get along on a diet of rugged individualism. Where, oh, where, was Tom Girdler then? Girdler who on Monday says to the Federal Steel Mediation Board that the company stands on its rights to operate its plant to offer employment to thousands of willing workers who want to return to their jobs. Why did not Republic Steel stand on its right to operate from 1930 to 1933 and give employment then to thousands of willing workers whom Republic Steel kicked out the gate until business picked up and until there was a margin of profit in their production? Labor then was denied the right to work because there was no profit in operation.

Yes, my friends, it would be amusing to follow the gentleman from Michigan, were it not that people are starving to death. It would be amusing to see these reactionary Democrats and these Liberty League Republicans, who howl about the right to work, next day savagely attacking Roosevelt because he is taking away the right to work from 600,000 present W. P. A. workers, while they want the right to work to all unemployed.

If you are a scab, the right to work is sacred. If you are on W. P. A.—pardon the expression—to hell with you. Oh, yes; there are a lot of brave soldiers in here baring their bosoms and offering to bare their bosoms—their bosom, if you please—and I say that when democracy returns to this

country; I say that when labor completes its march that it is marching on today; I say that some day, when democracy penetrates the Democratic South, when democracy penetrates industry, a lot of these bare-bosom champions of the scabs and the strikebreakers, the gunmen, the vigilantes, the scab herders, and slave drivers of this day will not be here in Congress any longer; their voices will not be reverberating against these four walls; they will be back with those Girdlers and Graces and all those despicable men who have betrayed them and will betray them, as they shall see.

The Tories and the reactionaries here have railed and howled against John L. Lewis and have attacked him on every possible pretense. Who is John L. Lewis, and who was he before all this agitation?

John L. Lewis was the president of the United Mine Workers of America, one of the most responsible labor organizations in the entire country; a labor organization respected all over the United States; a labor organization looked up to by industry and by labor in every community in this Nation. John L. Lewis is to the American labor movement what George Washington was to the American Revolution. John L. Lewis is to the American labor movement what Eugene Debs was; what Samuel Gompers was; what William Green used to be. John L. Lewis is the leader of the labor movement in this country; he saw thousands and thousands of steel workers, thousands and thousands of automobile workers, thousands and thousands of laborers all over the United States unorganized, their right of collective bargaining denied to them, intolerable conditions, sweatshops, occupational diseases, death, and terror, and many of them; and John L. Lewis determined that they should be organized, that their rights should be guaranteed to them, that they ought to be able to collectively bargain—not with company unions, not with company stool pigeons, but with representatives of their own choosing. John L. Lewis is leading the labor movement; John L. Lewis is on the march; John L. Lewis is going to bring the labor movement into its own—is going to give it a voice in the government of the United States and a voice in the government in every State and every city and every political subdivision in this Nation, as labor is entitled to because of its number, because of its power, because of its labor, because of everything that it has produced—the wealth of this country today.

Much has been said, my friends, about the huge contributions that John L. Lewis made to the campaign of President Roosevelt. To begin with, my friends, that contribution was not made by John L. Lewis in person. That contribution was made by the United Mine Workers of America. That contribution was made by the men who toiled by the sweat of their brow for him who had been their champion in the White House, for him who had been a true friend of labor. for him who had done something to guarantee them a minimum wage, who had done something to permit them to organize, who had done something to guarantee to them the right to collectively bargain with representatives of their own choosing, for him who had pledged himself that he would fight, that he had just begun to fight for all these privileges that he had begun to fight to discontinue child labor in sweatshops in this country, that he has just begun to fight to destroy unfavorable and unsavory labor conditions in the United States, for the greatest champion labor has ever had in the White House, the greatest friend that labor has ever had in the Presidential chair, the President of the United States, Franklin D. Roosevelt.

Why challenge that contribution when you come in here with dirty hands? Why challenge that contribution when you live in a glass house and should not throw stones?

Why should not labor contribute in order to elect those who will do something for labor, when the Fords, the Du Ponts, the Mellons, the Morgans, the Girders, the Graces, and all that ilk whom you serve here so well, and for whom you so eloquently plead, contribute hundreds of thousands of dollars more than the working people of this country contribute? Why should you come in and criticize the President of the United States or John L. Lewis? You ought to be ashamed of yourselves to come in here, and you Democrats on this side who join them ought to be more ashamed than they are.

They are only serving their masters; they are only being grateful for the money that entrenched wealth and organized greed gave to them. I would like to have you Democrats go back to the beginning.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. O'CONNELL of Montana. I yield.

Mr. COX. Does the gentleman mean to say that a Democrat on this side of the House ought not to express his feeling of shame at the establishment of this illicit relationship between the Democratic Party and this group of lawless people?

Mr. O'CONNELL of Montana. I deny that this is an illicit relationship, and I deny that it is a lawless group of people; and I deny all the red statements the gentleman has been making, and resent the red herring of communism that he has been drawing across the trail.

Mr. COX. I would like to say to the gentleman——

Mr. O'CONNELL of Montana. I am not going to yield to the gentleman to make a speech at this time. I would like for you Democrats to go back to the history of the beginning of this Government of ours. You will find that it was the same old story and the selfsame issue. You will find on one side organized wealth and organized greed fighting the people of the United States, fighting the laboring men of the United States, fighting the farmers of the United States. More than 150 years ago democracy's own Thomas Jefferson reached up into the stars and caught the music of the new day and wrote into the Declaration of Independence the solemn principle that all men are created equal. But that Jeffersonian doctrine had a bitter struggle in the days of its infancy, because Alexander Hamilton, whom the Republican Party now follow, and several Tory Democrats follow, challenged the right of the plain people to have a government based upon the consent of the governed.

Men of wealth, men of power, men of financial influence basked in the Hamiltonian sunshine, and even Nicholas Biddle, the great Philadelphia banker, the J. Pierpont Morgan of that day, time and time again came down to the city of Washington only as a conquering hero comes, beckoned men to his room in the Mayflower Hotel, men who were supposed to be the representatives of the people of the United States. And that went on, my friends, until our own plain old Hickory Andrew Jackson both on the battlefield and in the White House made the vision of Thomas Jefferson a living reality; and, by the Eternal, he established a government of the common man and woman, a government dedicated to the plain people of the United States.

And then come down through the pages of history to 1932, when 14,000,000 unemployed men were walking the streets of the Nation, when bread lines and soup kitchens were dotting all of our great cities, when more than a million farmers had been driven from their paternal acres by economic necessity within a year. It was the same issue, just the same issue then: Entrenched wealth, organized greed on one side and the farmers and the laborers on the other side; but, thank God, Providence gave us then, not a Harding, not a Coolidge, not the last miserable failure who filled the Presidential chair, but a great Democrat, a true friend of labor, a real representative of the people, the ideal embodiment of democracy, the champion of the forgotten man—the President of the United States, Franklin D. Roosevelt. [Applause.]

And it is the selfsame issue now, the selfsame issue in these strikes; but I tell you that labor is on the march, that American democracy and American unionism are going to be preserved, are going to be fostered, and are going to continue. To fight for labor is not communistic, to fight for labor is not against the principles of American government; to fight on behalf of the steel strikers and men who are seeking to better their condition is not communistic, is not against the tenets of democracy, or anything else; but they are going on, my friends, and they are going to

organize, they are going to march into the South and are going to organize labor all over this country and give it the dues to which it is undoubtedly entitled.

[Here the gavel fell.]

The SPEAKER pro tempore (Mr. HAINES). Under the previous order of the House the gentleman from Pennsylvania [Mr. DORSEY] is recognized for 15 minutes.

Mr. DORSEY. Mr. Speaker, I want to thank the gentleman from Pennsylvania [Mr. DITTER] for his courtesy and graciousness in allowing me the time which was previously allotted to him.

While Congress is struggling with problems of relief, unemployment, farm tenancy, and numerous other matters affecting the Nation, very little attention has been given to the question which has a far-reaching and vital effect upon every effort to adjust our economic structure. I refer to the power granted to Congress under the Constitution "to coin money and regulate the value thereof."

In the light of recent events, involving the increase of reserve requirements by the Federal Reserve Board and the sterilization policy of the Treasury Department, we can see how definitely the expressed power over money and credit has been taken out of the hands of Congress and delegated to the executive branch of the Government and to the privately owned Federal Reserve System. I would not take the time of the House to present to you one phase of this situation if I did not think it important enough to require your serious thought and consideration, because the power over money and credit is still a responsibility and duty placed upon Congress.

I refer particularly to the sterilization policy of the Treasury Department—a policy which slowly but surely is emasculating the American economy, a policy which is making Uncle Sam an economic eunuch exhibiting in his business and financial life all the feebleness and lack of virility which is found in a physical body so treated.

The lack of long-range vision so evident among the leaders who are shaping what they choose to call our "national economic policy", is undermining the stability of the Nation and pointing the way toward another era of disastrous national and world deflation.

Let me remind you that balancing the Nation is more important than balancing the Budget, but neither can be brought about through a definite deflationary policy. This country is not advanced far enough toward complete recovery to assume such an attitude in our economic and financial practices. Reduction and even elimination of Federal relief expenditures is a goal for which we all strive, but it cannot be reached at the expense of the unemployed by taking it out of the hides of those least able to bear it. These desirable ends cannot be reached through a deflationary complex, through buying gold and burying it in the hills of Kentucky, or through the issuance of bonds to buy more gold, increasing the burden on the taxpayer. Spending and a resultant expansion of the credit structure has pulled us out of the worst phase of the depression. With millions still unemployed, now is not the time to put the brakes on business under a fear complex of deflation.

Certainly the Budget can be balanced through a reactionary formula of (1) deflation, (2) reduction in relief expenditures, and (3) increased taxation, brought about by such policies as sterilization of gold and buying gold to be paid for with interest-bearing bonds. But such a policy eventually will result in a decreased consumption, less production, unemployment, starvation, and driving a dart into the heart of democracy.

Common sense alone calls for an immediate reversal of our stupid and ludicrous gold-purchase plan. We need no council of experts nor board of economists to demonstrate the futility and the dangers inherent in a plan which calls upon the United States Treasury to subsidize world production of gold and which buries this metal in the ground from which it has so recently been dug.

In all fairness to the men who have produced this fantastic result by purchasing gold, it must be stated that they did not plan it that way. It was not planned. It evolved out of emergency activities by the Government designed to relieve the terrific deflationary pressure upon our economy and to give to business, industry, and agriculture a breathing spell.

But the remedy, like so many drugs in the pharmacopoeia, threatens the very life of the patient and unless its administration is stopped immediately the ultimate condition of the Nation may be worse than it was 6 years ago.

To understand the silly plight in which the Treasury Department's program has placed us, it is necessary to review again the painful years which followed the collapse of the Hoover boom.

GOLD FETISH STRANGLED BUSINESS AND INDUSTRY UNDER HOOVER

As the economic shadows gathered about the Nation, as the earthquakes of increasing deflation shook our banking structure to its very foundations, our people began to hoard. Some stuffed their gold in safe-deposit boxes, others sent it abroad for safekeeping.

By the time President Roosevelt came into office it is estimated that between one and two billions of gold and gold notes had been taken out of circulation by those who feared national bankruptcy. During 1932 and the first 3 months of 1933 the loss of gold in international exchange amounted to nearly $305,000,000.

With our currency tied to gold, the effect was slow strangulation of business and industry. So strong was the worship of the gold standard, so unswerving was our adoration of this outworn fetish, that the distracted advisers of President Hoover shunned the one course that would have brought relief. They refused to take the Nation off gold and free our currency from its tightening tentacles.

PRESIDENT ROOSEVELT STOPS DEFLATIONARY SPIRAL THROUGH GOLD POLICY

Almost immediately after he came into office President Roosevelt moved to cut the cords which bound the Nation. In his proclamation of the banking holiday he forbade the exportation of gold and ordered all persons having gold to turn it in to the Treasury, an order sustained by Congress in the Emergency Banking Act of 1933. Shortly thereafter Congress, by joint resolution, abrogated the gold clause in all public and private obligations, thus restoring the proper relationship between creditor and debtor and eliminating the unearned increment which otherwise would have been collected by the lender at the expense of the borrower.

At this time the President looked to the London Conference to provide some method to check the downward spiral of world deflation, but when he became convinced that economic nationalism was too rampant to permit international cooperation he turned his attention to the domestic scene.

He hoped, through instructing the Treasury to buy gold at market prices, to raise the domestic price level, but when this hope was not realized it was decided that the solution lay in the devaluation of the dollar, which was apparently in accord with the thoughts of Prof. George Warren on this subject. The President informed the Nation that he was instituting a regular Government gold-purchasing program to enable the dollar to reach its proper level, and the purchasing program went into effect on October 24, 1933.

In response to his request Congress adopted the Gold Reserve Act of 1934, vesting title to all gold in the Federal Reserve System and permitting the President to devalue the dollar up to 60 percent.

Meanwhile the Treasury had been steadily boosting its price for gold, and, on January 31, 1934, the President devalued the dollar, establishing its new value at 59.04 cents and setting the price for gold at $35 an ounce.

Here, like the laws of the Medes and the Persians, it has stood since. Theoretically we are on the gold standard because the value of the dollar is expressed in terms of gold. But we are not on the gold standard as it was understood before the war because no person can obtain gold for his paper money.

The immediate effects of this monetary maneuvering were, in the main, beneficial. The outward flow of gold, which was draining our supply, was stopped and reversed. The devaluation of the dollar, which made it easier for our

foreign customers to purchase exchange, stimulated our trade. Devaluation, coupled with Secretary Hull's trade agreement, did increase our sales abroad.

The $2,000,000,000 stabilization fund, created from the profits of devaluation, gave us a dominant position in international finance and paved the way for the tripartite agreement. Instead of standing helpless before the brilliant financial machinations of the British, the French, and the Dutch, we were able to reenter the international poker game with virtually unlimited chips.

ROOSEVELT MONETARY POLICIES EASE MONEY MARKET

At home the Roosevelt monetary policies eased the money markets and enabled both Government and private business to obtain access to the Nation's financial reserves at the lowest rates of interest in our country's history. Government was able to finance the enormous relief load, the agricultural rehabilitation program, the extensive schedule of public works, and all the other new and vital duties laid upon it in the depth of depression at a minimum cost to the taxpayers.

Private corporations were enabled to refund, at lower interest rates, $7,000,000,000 worth of obligations with resultant benefit to stockholders. New capital to build modern plants and replace obsolescent factories and machinery was obtained at bargain rates.

Business naturally was stimulated by this program of easy money. But, strangely enough, this very stimulation of business, which, in turn, gave the securities and commodity markets a fillip, frightened certain of the leaders of the administration who began calculating how to avoid "the coming boom" when the Nation was still far from achieving a balanced recovery.

This fear complex gripped them despite the fact that we were far from the ultimate goal, with nine millions still unemployed and relief burdens laying a heavy hand on the States and municipalities of the Nation. Its tentacles tightened them at a time when they should have realized, in the light of our experience, that the key to recovery and prosperity does not center in restricting production through deflation, but of increased consumption brought about by a better and wider distribution of the national income through an expansion of the circulating medium. I shall refer to these frightened ones and their activities shortly, for on their shoulders lies responsibility for continuing our foolish and ill-conceived monetary program today.

GOLD PROGRAM FAILS TO ACCOMPLISH PURPOSE

The gold program did not accomplish the main purpose for which it was adopted. It did not raise the domestic price level to that of 1926. Opponents of the Warren plan had pointed out that England's abandonment of gold and the subsequent devaluation of the pound sterling had not increased domestic prices. There was no reason to expect the United States to react differently. Nor did it do so.

Prices today are still hovering at 90 percent of the 1926 level despite 3 years of gold purchase and all other factors incident to the recovery that we have enjoyed.

Whatever weaknesses and faults may have been found with the Warren gold plan, whatever its ineffectiveness and futility in the long run, the fixing of a domestic gold price involved only a small fraction of the dangers in the attempt to fix a world gold price through the tripartite agreement and the plan to sterilize gold imports.

With American entry into the international gold picture, Uncle Sam soon found himself sinking in a quicksand of economic stupidity.

Gold flowed to our shores in ever-increasing streams, attracted not only by the relative security afforded by our democracy but also by the $35-an-ounce price we were advertising.

All over the world abandoned gold mines were reopened; prospectors again packed their kits and scurried to mountain and stream for the metal; operating mines doubled and tripled their output.

Stockholders in these speculative enterprises whooped with joy as their dividend checks poured in. Uncle Sam apparently had become Santa Claus to the entire world.

Reserves of idle money in the bank vaults of the Federal Reserve banks and other financial institutions of the country increased by leaps and bounds. As the gold for which we had no conceivable use poured in, it went into the Reserve System and formed the basis for future credit.

Some students of banking and finance warned that we were laying a powder keg which, if fired, would explode our recovery in another blast of inflation. The Board of Governors of the Federal Reserve System became agitated. They issued statements. What to do? How can we check these mounting reserves?

Unfortunately, the thinking of many economists and financiers is so tortuous and involved that they automatically, it seems, reject the obvious. The average man confronted with the problem would have suggested a halt in the purchase of gold, or, if that seemed unwise, an outright reduction in the price paid or a tax or service charge, so as to make it no longer attractive for foreigners to mine, dehoard, and ship gold to us.

But it was not so clear to the geniuses that direct our financial policy. Instead of eliminating the cause they decided to mitigate the results. The Board of Governors raised the reserve requirements, and thus reduced the amount of idle funds from three to two billions.

CREDIT IMMOBILIZED DESPITE UNEMPLOYMENT, RELIEF, HOUSING PROBLEMS AND BUSINESS DEMANDS

This reduction, accomplished in August 1936, was, of course, ineffective. By the end of the year the mounting reserves were again giving the Reserve Board a bad case of the jitters. And over the protests of the hundreds of small banks which were harassed thereby, over the dictates of common sense, the Board again raised the reserve requirements and put one and a half billion dollars more in cold storage. With the previous increase, the total transferred from potentially active to inactive credit was two and a half billion. Thus was the financial blood-letting begun, with recovery only started and unemployment still a major problem.

What a ridiculous and yet what a tragic picture of inconsistency.

Here is the Nation struggling to emerge from its greatest depression, in needs of billions of new capital for new factories and new offices and new roads and bridges and apartments and hotels and, most important of all, new homes, with millions ill-fed, ill-housed, and ill-clad. And our financial leaders immobilize two and a half billion of potential credit. Not only that, but at the same time they shortened the long-prevailing ratio of cash to bank credit, slowing up the whole rate of future development.

The crowning folly was yet to come. Having failed to check the mounting tide of gold by seeking to lighten its pressure, the Treasury took over this phase of credit control from the Federal Reserve Board and embarked on its sterilization program. Sterile. The very word itself is abhorrent to those who believe in a dynamic society.

To prevent the gold coming into the country becoming part of our national credit base and again increasing excess reserves of banks, the Treasury decided to set it aside in a separate account. The Treasury had been issuing gold notes to the Federal Reserve System to pay for gold previously acquired, but under the new sterilization plan the Government used its tax revenues to pay for it.

What has been the result? The Treasury has been compelled to borrow five hundred millions to finance more gold purchases, paying, of course, interest on the money thus borrowed. And, incidentally, the rate of interest is at a new high as the result of the previous false steps of the money managers.

We have at last attained the ultimate in folly and the sublime in the ridiculous.

Here we are borrowing money to buy gold so that it will not become money and impoverishing our Government and hence the Nation to avoid obtaining wealth. We cannot adequately assist the unemployed, because we have to use all our spare money and borrow more money to buy gold which might become money if we did not borrow to buy it.

Sounds silly, does it not? But that is the sterilization plan reduced to simple terms.

Because we are buying more gold to prevent it becoming part of the national wealth, we are penalizing the Government and private business through compelling them to pay higher interest rates for the money they borrow.

By buying gold we have brought into our country between six and seven billion dollars of foreign money invested through our security markets. These investments, commonly called "hot money", may be withdrawn suddenly at any time with a possible crash in the value of the securities held by our own citizens.

We have increased our national debt to a new high and thrown our Budget into confusion. The deficit is greater than estimated. We are entering a period normally marked by a slump in business and yet the mad policy is still being pursued.

And, strange as it may seem, prices are still below the 1926 level. The unemployed millions still cry for jobs. Relief goes on. We have not achieved the end for which this policy was aimed nor does it seem that we shall ever attain it through this fallacious scheme.

Let me give you a few figures to buttress my position. Let me demonstrate to you how we have become the world's prize sucker and lending angel for gold producers everywhere.

UNCLE SAM WORLD'S SANTA CLAUS

World gold production, excluding that of Soviet Russia, which guards her secrets closely, has fluctuated as follows: The figures are in millions of dollars: 1933, 889; 1934, 958; 1935, 1,040; 1936, 1,165; 1937 (3 months), 273.

Now look at the net imports of gold into America since our gold-purchase plan went into effect. Although the entire world, including the United States, produced in 1934 only $958,000,000 the imports to our country totaled $1,132,000,000. The difference was due to dehoarding. In 1935 the disparity is even greater. The world produced $1,040,000,000; we took $1,759,000,000. In 1936 we took $1,117,000,000, while the world was producing $1,165,000,000. The increase in production is evidently due to our $35-an-ounce rate.

The device of sterilization went into effect late last December. But look at the gold-import figures for 1937. January, $121,000,000; February, $120,000,000; March, $154,000,000; April, $225,000,000; May, $190,000,000.

During the first 2 weeks of June $173,000,000 more came in and, as Secretary Morgenthau has admitted, no one knows when it will end.

On June 25 the stock of gold in the United States totaled $12,289,174,000, more than half of the world's visible supply of twenty-three billions. Out of this $12,000,000,000 pile of metal, now being carefully buried at Fort Knox, we have sterilized over one billion. It may only be a coincidence but the rate of business and industrial activity has slackened simultaneously as the latest reports will verify.

What this gold buying has done to interest rates is best shown by a comparison of Government fiscal operations within the last 6 months.

In December the Treasury sold long-term bonds at an all-time low rate of 2½ percent and 5-year Treasury notes at 1¼. The rate on the notes was one-fourth of 1 percent below the rate of a year before.

But when Mr. Morgenthau had to borrow 800 millions this month, most of which went to pay for gold, he had to offer 1¾ percent on 4¾-year notes. Although the maturity period was only 3 months less, the interest rate was one-half of 1 percent higher.

WHO IS BENEFITING FROM MONETARY MANEUVERS?—CONGRESS SHOULD KNOW FULL STORY

In answer to all this, the American public is entitled to know who is benefiting. Certainly it is not the common welfare. It is not to our benefit to have the national debt increased to bury a lot of gold underground. It is not to our benefit to have the Government pay increased rates to obtain money for useless purposes.

It does not in the long run aid world stability. It is not in the interests of any nation to have a speculative business created within its borders dependent upon the decisions of individuals in other nations. Nor is it helpful to world conditions to create a situation whereby one nation, Russia, the bitter foe of the economic system of the rest of the world, is in a position to smash international markets and disrupt world economy by dumping part or all of the immense supply of gold she is creditably believed to have.

No; we are benefiting no one except the officers, directors, and stockholders of the gold-producing corporations of the world.

The colonies and dominions of Great Britain produce more than half of the annual output, and no one in their right mind believes for a minute that Britain is concerned with the well-being of any nation but her own.

We are paying out our dollars to nations which owe us billions for the last war and which refuse, with the exception of Finland, to pay, and those dollars we are shipping abroad are being turned into guns and tanks and planes and gas for the next war.

And speaking of Finland, I hope you noted in the press that Finland was acute enough to take advantage of the recent slump in Government bonds to buy up sufficient to enable her to pay her installment on her debt at a discount. I do not criticize Finland. I offer this merely as an indication of the absurd financial situation our monetary policy has produced.

This crazy scheme must be liquidated immediately.

It was rumored that when the sterilized gold reached a billion dollars it would all stop. But it is now $1,078,350,779.79, as of June 28, 1937.

Maybe the figure to be reached before stopping is now set at a billion and a quarter dollars—maybe. Who knows?

The truth is the Treasury is like a flea on a griddle, hopping about desperately to evade the terrific fire built beneath it. Perhaps the hopping will lead to abandonment of the griddle eventually. If one and a quarter billions is now the mark set, it will not be long, at the present rate, before it is reached.

But, regardless of the amount, we simply cannot permit this situation to continue. We must exert our constitutional power to coin money and regulate the value thereof. We must take back in our hands this vital authority for the protection of our national economy and the future of the entire people.

Because economists have clothed monetary affairs in a veil of mystery and discuss money in abstruse terms, the man in the street has come to believe that it is of no concern to him.

Nothing could be more mistaken. Underneath the veil, hidden by the mumbo-jumbo, hocus-pocus, and abracadabra are matters of the gravest and most intimate concern to all of us.

The value of our money affects our purchasing power, it affects rents, and prices, and wages, and interest charges, and many other factors in our economic life. The founding fathers realized this and determined that Congress should fix the value of our money and Congress alone.

If we must continue to buy gold, let us levy upon all foreign vendors a tax so high that there will be no incentive to send gold to our shores. Let us levy upon domestic producers of gold another tax, not so high as upon foreign imports, but a substantial tax so that its production in this country will fall back to the normal needs of trade and commerce.

The effects will be immediate and tremendous. Gold will stop flowing to our shores and may start to flow out. Central banks of other nations will be relieved of the drain on their resources and we shall have a better distribution of gold among the nations of the world.

The whole nauseous mess must be thoroughly ventilated. We must let the daylight into the dark corners of the Treasury and show the man on the street just how his taxes are being wasted to carry on a discredited program.

If gold must be bought, if we must assume our responsibility in the family of nations, if we must assist in the stabilization of exchange, let us pursue an intelligent policy

of using the gold for the benefit of the Nation and not bury it in the ground from whence it came. Let the Congress assume its responsibility and pass the Dies bill (H. R. 7670) providing for the issuance of gold certificates in the purchase of gold. Let the Committee on Banking hold hearings on this bill so that we can learn the full story of what has transpired since the gold purchase plan started.

Years ago the Great Commoner electrified the Nation with his protest against the crucifixion of the Nation upon the cross of gold.

Let us here now raise our voices in a mighty chorus against bleeding the Nation white to buy yellow metal, against throwing away money to buy other money, against borrowing to avoid wealth, against subsidizing the world speculation in gold.

Let us free the Nation from this new cross of gold to which it has been nailed. Let us stop the double cross to which it is being subjected.

The SPEAKER pro tempore. In accordance with an order heretofore entered, the gentleman from New York [Mr. REED] is recognized for 15 minutes.

Mr. REED of New York. Mr. Speaker, through the courtesy of the House, I was granted permission to address the House at this time for 15 minutes. I realize it is manifestly unfair at this late hour to hold the Members here, even though they have shown great courtesy in remaining. I will therefore waive my right to speak at this time, but may I ask whether there are any special orders for tomorrow?

The SPEAKER pro tempore. There are two special orders for tomorrow, totaling 1 hour.

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes tomorrow after the disposition of matters on the Speaker's table and other business in order for tomorrow, as well as the special orders heretofore made.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 4597. An act to amend the Canal Zone Code; and

H. J. Res. 379. Joint resolution authorizing Federal participation in the New York World's Fair, 1939.

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 114. An act for the relief of Mildred Moore;

S. 557. An act authorizing the naturalization of James Lincoln Hartley, and for other purposes;

S. 630. An act for the relief of the Sheehy Drilling Co.;

S. 727. An act validating homestead entry Billings 029004 of Lillian J. Glinn;

S. 767. An act for the relief of the Charles T. Miller Hospital, Inc., at St. Paul, Minn.; Dr. Edgar T. Herrmann; Ruth Kehoe, nurse; and Catherine Foley, nurse;

S. 828. An act for the relief of Ellen Taylor;

S. 1474. An act to provide for the advancement on the retired list of the Navy of Clyde J. Nesser, a lieutenant (junior grade), United States Navy, retired;

S. 1934. An act for the relief of Halle D. McCullough;

S. 2497. An act authorizing John Monroe Johnson, Assistant Secretary of Commerce, to accept the decoration tendered him by the Belgian Government; and

S. J. Res. 88. Joint resolution providing for the participation of the United States in the world's fair to be held by the San Francisco Bay Exposition, Inc., in the city of San Francisco, during the year 1939, and for other purposes.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill and joint resolution of the House of the following titles:

H. R. 4597. An act to amend the Canal Zone Code; and

H. J. Res. 379. Joint resolution authorizing Federal participation in the New York World's Fair, 1939.

ADJOURNMENT

Mr. MERRITT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 47 minutes p. m.) the House adjourned until tomorrow, Friday, July 9, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of a subcommittee of the Committee on Interstate and Foreign Commerce, at 10 a. m., Friday, July 9, 1937. Business to be considered: Continuation of hearing on H. R. 5182 and H. R. 6917—textile and fabric bills.

There will be a meeting of the Committee on Interstate and Foreign Commerce, at 10 a. m., Tuesday, July 13, 1937. Business to be considered: Continuation of hearing on H. R. 6968—to amend the Securities Act of 1933.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Tuesday, July 13, 1937, at 10:30 a. m., to begin hearings on H. R. 7365, a bill to provide for the regional conservation and development of the national resources, and for other purposes.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

704. A letter from the Acting Secretary of the Treasury, transmitting the draft of a bill to authorize the transfer to the jurisdiction of the Secretary of the Treasury of portions of the property within the West Point Military Reservation, N. Y., for the construction thereon of certain public buildings, and for other purposes; to the Committee on Military Affairs.

705. A letter from the Assistant Secretary of Commerce, transmitting the draft of a bill to authorize the Secretary of Commerce to exchange with the people of Puerto Rico the Guanica Lighthouse Reservation for two adjacent plots of insular forest land under the jurisdiction of the Commissioner, Department of Agriculture and Commerce, and for other purposes; to the Committee on Merchant Marine and Fisheries.

706. A communication from the President of the United States, transmitting deficiency estimates of appropriations for the District of Columbia for the fiscal year 1937 and prior fiscal years in the amount of $41,036.76, and supplemental estimates of appropriation for the fiscal year 1938 in the amount of $19,500, in all $60,536.76 (H. Doc. No. 283); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. CROWE: Committee on the Territories. S. 1722. An act to provide subsistence for the Eskimos and other natives of Alaska by establishing for them a permanent and self-sustaining economy; to encourage and develop native activity in all branches of the reindeer industry; and for other purposes; with amendment (Rept. No. 1188). Referred to the Committee of the Whole House on the state of the Union.

Mr. HARLAN: Committee on Rules. House Resolution 269. Resolution providing for the consideration of H. R. 7646; without amendment (Rept. No. 1189). Referred to the House Calendar.

Mr. DRIVER: Committee on Rules. House Resolution 270. Resolution providing for the consideration of House Joint Resolution 175; without amendment (Rept. No. 1190). Referred to the House Calendar.

Mr. ROGERS of Oklahoma: Committee on Indian Affairs. S. 1945. An act to authorize the Secretary of the Interior to grant concessions on reservoir sites and other lands in connection with Federal Indian irrigation projects wholly or partly Indian, and to lease the lands in such reserves for agricultural, grazing, and other purposes; with amendment (Rept. No. 1191). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROGERS or Oklahoma: Committee on Indian Affairs. S. 2163. An act to authorize the deposit and investment of Indian funds; without amendment (Rept. No. 1192). Referred to the Committee of the Whole House on the state of the Union.

Mr. JONES: Committee on Agriculture. S. 2147. An act to amend provisions of the Agricultural Marketing Agreement Act of 1937; without amendment (Rept. No. 1193). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DALY: A bill (H. R. 7773) to amend section 266, as amended, of the Judicial Code; to the Committee on the Judiciary.

By Mr. FORD of California: A bill (H. R. 7774) to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936; to the Committee on Flood Control.

By Mr. MEAD: A bill (H. R. 7775) to provide longevity pay for certain classes of postal employees as a reward for long and continuous service; to the Committee on the Post Office and Post Roads.

By Mr. ROGERS of Oklahoma (by departmental request): A bill (H. R. 7776) to set aside certain lands in Oklahoma for the Cheyenne and Arapaho Indians; to the Committee on Indian Affairs.

By Mr. SCOTT: A bill (H. R. 7777) to further amend section 3 of the act entitled "An act to establish the composition of the United States Navy with respect to the categories of vessels limited by the treaties signed at Washington, February 6, 1922, and at London, April 22, 1930, at the limit prescribed by those treaties; to authorize the construction of certain naval vessels; and for other purposes", approved March 27, 1934 (48 Stat. 505), as amended by the act of June 25, 1936 (49 Stat. 1926; 34 U. S. C., sec. 496); to the Committee on Naval Affairs.

By Mr. DIMOND: A bill (H. R. 7778) to amend section 26, title I, chapter 1, of the act entitled "An act making further provision for a civil government for Alaska, and for other purposes", approved June 6, 1900; to the Committee on the Territories.

By Mr. BREWSTER: A bill (H. R. 7779) to authorize the registration of certain collective trade-marks; to the Committee on Patents.

By Mr. KING: A bill (H. R. 7780) to amend an act entitled "An act relating to the naturalization of certain women born in Hawaii", approved July 2, 1932; to the Committee on Immigration and Naturalization.

By Mr. COLLINS: Resolution (H. Res. 271) to create a select committee to study laws and regulations pertaining to the general welfare of Indians, and for other purposes; to the Committee on Rules.

By Mr. McREYNOLDS: Joint resolution (H. J. Res. 439) to amend section 4 of the joint resolution approved May 1, 1937, amending the joint resolution entitled "Joint resolution providing for prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, as amended; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DELANEY: A bill (H. R. 7781) granting a pension to Sophie Hyams; to the Committee on Invalid Pensions.

By Mr. DEMPSEY: A bill (H. R. 7782) for the relief of C. F. Gautt and Mattie Miller; to the Committee on Claims.

By Mr. FORAND: A bill (H. R. 7783) for the relief of Harold Winthrop McElroy; to the Committee on Naval Affairs.

By Mr. FULLER: A bill (H. R. 7784) granting an increase of pension to Fronia L. B. Norwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7785) granting a pension to Gabriel Patrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7786) granting an increase of pension to Ada A. Bevers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7787) granting a pension to Lillie Siemiller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7788) granting a pension to Bettie A. Reese; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7789) granting a pension to Gemima Reeves; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7790) granting a pension to Margaret Officer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7791) granting a pension to Martha J. Hopper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7792) granting a pension to Lau Jones; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Maryland: A bill (H. R. 7793) for the relief of Nicholas de Lipski; to the Committee on Immigration and Naturalization.

By Mr. SWOPE: A bill (H. R. 7794) for the relief of George Rogers Frye; to the Committee on Naval Affairs.

By Mr. BEVERLY M. VINCENT: A bill (H. R. 7795) to confer jurisdiction on the court of claims of the United States to hear and determine the claims of Rock Spring Distilling Co., and for other purposes; to the Committee on Claims.

By Mr. WEST: A bill (H. R. 7796) for the relief of Frank Scofield, collector of internal revenue, Austin, Tex.; to the Committee on Claims.

By Mr. WILCOX: A bill (H. R. 7797) for the relief of Ray M. Watson; to the Committee on Military Affairs.

Also, a bill (H. R. 7798) for the relief of Mike L. Blank; to the Committee on Claims.

Also, a bill (H. R. 7799) for the relief of Zook Palm Nurseries, Inc., a Florida corporation; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2854. By Mr. CARTER: Senate Joint Resolution No. 25 of the State of California, memorializing the President and the Congress to protect the rights of the State of California to its tidelands and the coastal area lying seaward of the State of California; to the Committee on Rivers and Harbors.

2855. Also, Senate Joint Resolution No. 24 of the State of California, memorializing the President and the Congress to enact legislation relative to the conscription of wealth and industry in wartime and the effective barring of war profits; to the Committee on Ways and Means.

2856. Also, Assembly Joint Resolution No. 10 of the State of California, memorializing the Congress of the United States to designate Armistice Day as a holiday; to the Committee on Military Affairs.

2857. Also, Assembly Joint Resolution No. 51 of the State of California, memorializing the President and the Congress to take such steps as may be necessary to cut a channel through the southerly end of the Coronado Silver Strand to allow seagoing vessels to enter the bay of San Diego at its southerly end; to the Committee on Rivers and Harbors.

2858. Also, Assembly Joint Resolution No. 26 of the State of California urging that Congress and the Federal Relief Administration direct their consideration to the wages of employees on work-relief projects; to the Committee on Appropriations.

2859. Also, Senate Joint Resolution No. 14 of the Senate of the State of California, memorializing the Congress to enact House bill 4009, which proposes to appropriate $50,000,000 for the eradication of noxious weeds; to the Committee on Agriculture.

2860. Also, Assembly Joint Resolution No. 18 of the State of California, memorializing the President and the Congress to amend the Social Security Act so as to enable such States as may desire to do so to bring the employees of such State and the employees of its counties, cities, and other political subdivisions within the provisions of such act relating to old-age benefits; to the Committee on Ways and Means.

2861. Also, Senate Joint Resolution No. 6 of the State of California, urging the President and the Congress to enact legislation that would result in financial aid in the construction of a neuropsychopathic hospital for veterans of the World War; to the Committee on World War Veterans' Legislation.

2862. Also, petition of the Board of Supervisors of Contra Costa County, State of California, urging the enactment of legislation for the establishment of a United States Coast Guard station on the shore of Contra Costa County; to the Committee on Merchant Marine and Fisheries.

2863. Also, resolution of the Castro Valley Chamber of Commerce, Castro Valley, Calif., protesting against the enactment of legislation which would limit the length of freight trains engaged in interstate commerce to not to exceed 70 cars; to the Committee on Interstate and Foreign Commerce.

2864. By Mr. COFFEE of Washington: Petition of the American Slavic Federation of Washington, Peter Gatz, secretary, Seattle, Wash., endorsing the President's proposals for reform of the Federal judiciary as a necessary step in order that progressive thought in keeping with changing economic and social views will be instilled into the Supreme Court and thus protect and promote the general welfare; to the Committee on the Judiciary.

2865. Also, resolutions of Washington State Chapter, National Association of Postmasters, Arthur J. Kralowec, of Auburn, secretary, urging the passage of House bill 2073 by the Congress, granting third-class postmasters 50 percent of the revenue from box rents where the boxes have been purchased by said postmaster; also, endorsing House bill 6764, providing for an increase of $100 in annual salaries of third-class postmasters in the lower brackets, an increase of 10 percent in the compensation of fourth-class postmasters; also, endorsing the Ramspeck bill (H. R. 1531) extending civil-service principles for postmasters in first-, second-, and third-class offices; also, urging the United States Civil Service Commission or Congress to make such changes as will assure disability allowances for postal employees; to the Committee on the Civil Service.

2866. By Mr. CURLEY: Petition of the New York County Lawyers' Association, opposing House bill 4710, introduced by Congressman PHILLIPS, which seeks to further the neutrality policy of the United States; to the Committee on Immigration and Naturalization.

2867. Also, petition of the Family Welfare Association of Minneapolis, urging approval of Senate Resolution 85, to carry out the purpose of Senate bill 298 in regard to migrant laborers; to the Committee on Labor.

2868. Also, petition of the New York County Lawyers' Association, opposing House Resolution 172 and Senate Joint Resolution 45 in relation to ownership of securities by Members of the House and Senate and by employees of the Federal Government; to the Committee on the Judiciary.

2869. Also, petition of the New York County Lawyers' Association, opposing House bill 2704, which seeks to amend section 288 of the Criminal Code in relation to admiralty jurisdiction of the United States; to the Committee on the Judiciary.

2870. Also, petition of the New York County Lawyers' Association, opposing House bill 1968, introduced by Congressman TAYLOR, which seeks to provide for the protection of subcontractors, labor, and materials employed in public works; to the Committee on Labor.

2871. Also, petition of the Bronx Chamber of Commerce, Bronx, New York City, opposing Senate bill 29, introduced by Senator BARKLEY, of Kentucky, and House bill 185, introduced by Congressman CROSSER, of Ohio, which would give the Interstate Commerce Commission power to require railroads to install additional signal-control apparatus, and likewise give the Commission power to make rules governing the operation of signals; to the Committee on Interstate and Foreign Commerce.

2872. Also, petition of the New York County Lawyers Association, New York, N. Y., recommending disapproval of Senate bill 521, introduced by Senator WHEELER, which seeks to provide for the disposition of unclaimed deposits in national banks; to the Committee on Banking and Currency.

2873. By Mr. ENGLEBRIGHT: Senate Joint Resolution No. 25, Department of State of the State of California, relative to memorializing the President and the Congress of the United States to protect the rights of the State of California to its tidelands and the coastal area lying seaward of the State of California; to the Committee on the Judiciary.

2874. By Mr. HULL: Petition of the Chippewa County Farmers Equity Union, supporting Senate bill 2604, relating to excise taxes on pork product imports; to the Committee on Ways and Means.

2875. By Mr. KEOGH: Petition of Leo H. Hirsch & Co., New York City, concerning the Black-Connery bills (S. 2475 and H. R. 7200); to the Committee on Labor.

2876. Also, petition of the National Maritime Union of America, New York City, concerning House bill 7216; to the Committee on Naval Affairs.

2877. Also, petition of the American Vault Co., Brooklyn, N. Y., concerning the Black-Connery bills; to the Committee on Labor.

2878. By Mr. LEAVY: Resolution of the board of trustees of the Seattle Chamber of Commerce, favoring House bill 5531, which proposes that the Federal Government shall give financial aid in furthering engineering and industrial research in the engineering research stations established in the colleges and schools of engineering in the several States; to the Committee on Interstate and Foreign Commerce.

2879. By Mr. PETERSON of Georgia: Petition concerning the old-age-pension bill (H. R. 2257) by citizens of Emanuel County, Ga.; to the Committee on Ways and Means.

2880. By Mr. WITHROW: Joint Resolution No. 127 A, of the Wisconsin Legislature, memorializing the Congress of the United States to pass House bill 6092, providing for reduction of interest rates of Home Owners' Loan Corporation mortgages and extending the amortization periods thereon to 25 years; to the Committee on Banking and Currency.